

## SECTION A: PROGRAM ADMINISTRATION

### COMPLETING ENVIRONMENTAL REVIEW REQUIREMENTS

All CDBG Grantees are required to comply with federal environment laws and regulations. These laws and regulations are contained in the National Environmental Policy Act (NEPA) of 1969 and HUD implementing regulations at 24 CFR Part 58 (rev. October 29, 2003). The executed grant agreement requires an environmental review to be completed in compliance with the regulations in 24 CFR Part 58 (Part 58) prior to the obligation, expenditure, or draw down of program funds. The environmental review, and applicable public notifications, becomes part of a written environmental review record to be maintained by Grantees. This record documents that CDBG funded and related activities are in compliance with NEPA under the regulatory requirements of Part 58, and other applicable federal laws, regulations, and executive orders. Additionally, the Grantee is responsible for compliance with the [Louisiana Environmental Quality Act](#). These policies and laws cover the following areas: Noise, Air Quality, Historic Properties, Floodplains, Wetlands, Coastal Zones, Water Quality, Sole Source Aquifers, Toxic and Radioactive Materials, Explosive and Flammable Operations, Airport Clear Zones, Coastal Barriers, Farmlands Protection, Endangered Species, Environmental Justice, and Wild and Scenic Rivers. Please refer to 24 CFR Part 58 for the laws and authorities pertaining to environmental review.

[40 CFR Parts 1500-1508](#)

[24 CFR Part 58](#)

In short, Grantees are required to determine the impact of the HUD-funded project or activity on the environment as well as the impact of the environment on the project. The process for developing your ERR should begin with the completion of the Determination of Level of Environmental Review (Exhibit A-13). Once the level of review has been determined the grantee will use the appropriate HUD form based on the level. The worksheets required for each area of compliance based on the environmental review level should be submitted along with all compliance documentation.

#### *The Responsible Entity*

Under Part 58, the term “Responsible Entity” Responsible Entity means the entity responsible for completing the environmental review. In the state CDBG Program, the local unit of government Grantee is the Responsible Entity. Therefore, these terms are used interchangeably with Grantee throughout this section and the exhibits. The responsible entity must complete the environmental review process. Environmental review responsibilities have both legal and financial ramifications. As part of the assurances and agreements signed by the responsible entity, the Chief Elected Official (CEO) of the responsible entity agrees to assume the role of “responsible federal official” under the provisions of NEPA.

#### *Environmental Certifying Officer*

The Chief Elected Official will be the Environmental Certifying Officer for the Responsible Entity. They will assume overall responsibility for the environmental review process. They must sign all letters, certifications, and findings, particularly the Request for Release of Funds and Certification (HUD Form 7015.15), the Certification of Exempt and Categorically Excluded Activities (not subject to 58.5), the Certification of Categorical Exclusion (subject to 58.5), and the Environmental Assessment Format. In completing the review of an ERR, the OCD has created the checklist found in [Exhibit A-12](#). ERRs must be cleared within five months of the “Authorization to Incur Costs” letter ([Exhibit A-61](#)).

[HUD Form 7015.15](#)

[24 CFR Part 58](#)

### Special Requirements for Economic Development Projects

For all projects, especially economic development projects involving loans and/or infrastructure grants, particular attention must be given to 24 CFR part 58.32, Project Aggregation. All activities to be accomplished in the entire project must be environmentally cleared, including those activities financed by private funds.

[24 CFR 58.32](#)

For economic development projects, close attention must be given to 24 CFR part 58.22. **It is imperative that this regulation be understood by all parties to avoid possible disallowed costs.** Neither a grantee nor any participant, including public or private nonprofit or for-profit entities or any of their contractors, may commit LCDBG/HUD funds or non-LCDBG (private) funds or undertake an activity or project until the State has approved the recipient's Request for Release of Funds. HUD has determined that this regulation regarding private funds is triggered at the time the Grantee's application is submitted to the State. In other words, the restriction does not apply to undertakings or commitments of non-federal funds before the grant application is submitted.

[24 CFR 58.22](#)

It is both HUD and the State's strong recommendation that both the application and the ERR be submitted to the State simultaneously; otherwise, a private developer may have to stop the commitment of funding to the project until the ERR review is complete. After reviewing the ERR and awarding funding, the OCD will give permission for the Grantee to publish the Notice of Intent to Request a Release of Funds (for Categorically Excluded Activities Subject to 58.5) or the Combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds (for activities requiring an Environmental Assessment) and submit the Request of Release of Funds and Certification. It should take approximately two weeks after receipt until the environmental review is approved.

### ENVIRONMENTAL REVIEW CLEARANCE LEVELS

There are five levels of clearance available for the environmental review. A determination must be made concerning which of the five levels will apply to the project being cleared. There are specific requirements for each category of activities.

A project that clearly will have little negative impact on the environment is either Exempt or Categorically Excluded from most environmental requirements. There are two levels of Categorically Excluded activities. In these cases, the ERR must document the recipient's determination that the project is free from either all environmental requirements or from the requirements of NEPA.

Projects that are neither Exempt nor Categorically Excluded will require a full Environmental Assessment. The results of the Environmental Assessment will determine if an Environmental Impact Statement is required.

Public facility rehabilitation activities (such as hook-ups) should be cleared in conjunction with the regular public facility activity.

#### *Exempt Activities*

Certain activities are Exempt from environmental review requirements of NEPA and the environmental requirements of other relevant federal laws. These activities include the following:

- Environmental studies

[24 CFR 58.34](#)

[Certification of Exempt/  
Categorically Excluded  
Activities](#)

- Project planning
- Administrative costs
- Project engineering and design costs for a proposed eligible activity
- Public services that will not result in any physical changes
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters, imminent threats, or physical deterioration

Activities correcting imminent threats to health and safety may be undertaken only to the extent necessary to alleviate emergency conditions as certified by the Chief Executive Officer. The Chief Executive Officer must notify the State within 10 days of determining that a situation exists that poses an imminent threat to public health and safety. The Office of Community Development must agree that the situation qualifies to be considered Exempt under this regulation before LCDBG funds can be used to alleviate the emergency conditions.

To complete environmental requirements for Exempt activities, the Grantee must make and document a certification that such activities are Exempt. This involves completing the Certification of Exempt/Categorically Excluded Activities for HUD-Funded Projects which identifies the activity and states the statutory authority for the exemption. .

The Grantee does *not* have to submit the Request for Release of Funds and Certification form; however, all other contract conditions listed in the LCDBG contract must be cleared prior to the release of funds.

#### *Categorical Exclusions Not Subject to 58.5*

HUD has determined that certain Categorically Excluded activities would not alter any conditions that would require a review under 58.5. The Grantee does not have to publish a Notice of Intent to Request Release of Funds or submit a Request for Release of Funds and Certification form. The Certification of Exempt/Categorically Excluded Activities for HUD-Funded Projects) must be completed.

[24 CFR 58.35\(b\)](#)

[Certification of Exempt/  
Categorically Excluded  
Activities](#)

These activities include the following:

- Supportive services and operating costs
- Equipment
- Economic development activities not associated with construction or expansion of existing operations
- Activities to assist homebuyers that result in the transfer of title

#### *Categorically Excluded Activities Subject to 58.5*

The following activities are Categorically Excluded from the environmental review requirements of NEPA, but must comply with the environmental requirements of other federal laws listed in 58.5:

[24 CFR 58.35\(a\)](#)

- Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements when the facilities and improvements are in place and will be retained in the same use without change in

size or capacity of more than 20 percent. See part [58.35\(a\)\(1\)](#). (Water and sewer line replacement will most likely not be Categorical Exclusion. Hard surfacing of a gravel street is not Categorical Exclusion.)

- Special projects for removal of material and architectural barriers. See part [58.35\(a\)\(2\)](#).
- An individual action (rehab) on a one-to-four family dwelling or on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart, and there are not more than four units on any one site. See part [58.35\(a\)\(4\)](#).
- Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land will be retained for the same use. See part [58.35\(a\)\(5\)](#).

**OCD's environmental staff should be contacted before making a finding of Exemption or Categorical Exclusion to avoid incorrect findings.**

The following items must be included in the ERR for Categorical Exclusion activities:

- Determination of Level of Review (Exhibit A-13)
- Certification of Categorical Exclusion (subject to 58.5). [Certification of Categorical Exclusion](#)
- Documentation of compliance with 24 CFR 58.5 and 58.6 through the completion of the HUD Worksheets with all supporting documents attached ([Exhibit A-17](#)).
- Evidence of publication or posting of the Notice of Intent to Request Release of Funds ([Exhibit A-19](#)).
- Request for Release of Funds and Certification ([Exhibit A-2](#)).
- A floodplain map delineating the target area is required regardless of whether or not the project is located in a floodplain.

*Activities Requiring an Environmental Assessment*

For activities that are neither Exempt nor Categorical Exclusion, an Environmental Assessment is required which documents compliance with NEPA and with the environmental requirements of other federal laws. The Environmental Review Record must contain the following documentation:

[24 CFR 58.36](#)

- Determination of Level of Review (Exhibit A-13)
- Part 58 Environmental Assessment Format [Environmental Assessment Format](#)
- Documentation of compliance with other federal laws through the completion of the HUD Worksheets with all supporting documentation attached ([Exhibit A-17](#)).
- Evidence of publication (or posting) and distribution of the Combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds ([Exhibit A-22](#)) and the Notice of Finding of No Significant Impact Distribution List ([Exhibit A-23](#)).
- Request for Release of Funds and Certification ([Exhibit A-2](#)).

- A floodplain map delineating the target area is required regardless of whether the project is located in the floodplain or not.
- For projects involving new construction, a wetlands map delineating the target area is also required.

#### *Environmental Impact Statement (EIS)*

In most instances, an Environmental Impact Statement will not be needed. However, if the proposed project is determined to have a potentially substantial impact on the environment, an Environmental Impact Statement must be prepared. **The OCD must be contacted if it is determined that an EIS is required.**

[24 CFR 58.37](#)

## GENERAL ENVIRONMENTAL REVIEW RECORD REQUIREMENTS

### *Determination of Level of Review (A-13)*

In addition to the shorter project descriptions found at the top of each certification form and required checklist, a more specific description must identify, in detail, the project type, area served, location, linear feet of pipe to be installed, number of new service connections, etc. The target area must be described by street name, highway name, or numbers for each street serving as a boundary for the project area being environmentally cleared. A legal description of the area being cleared maybe included but is not required. The description should include the project's dollar amount and identify all sources of funding, especially for economic development projects. For all projects, the description should identify the items/activities for which the LCDBG funds will be expended, and the items/activities for which private funds will be expended.

A map clearly delineating the project area and location of project activities should also be included. The project description and map must indicate whether the ERR is site specific or area wide for public facilities projects.

If the project involves the installation of a water well and the location of the well site is known, it should be indicated both in the project description *and* on the ERR map. For a site-specific project, the project description and the ERR map indicating the location of the proposed improvements must be sent to the agencies used as data sources, as they will be commenting on that particular site. However, if the exact location of the project has not yet been determined, but the well will be drilled somewhere within the project area, it is necessary to clear the entire project area by indicating its boundaries in the project description and on the ERR map.

If the project involves ground disturbance, demolition, substantial rehabilitation (more than 20%), or new construction then an environmental assessment will be required.

### *Completing the HUD Statutory Worksheets and Environmental Review Formats*

Exactly what activity is being cleared and its location, whether site specific or area wide, must be made apparent to the data source, either by letter or verbally. The ERR must also indicate the project description and which map was used when contacting the data sources. **If specific locations of proposed improvements are indicated on documents used to obtain comments from data sources, the OCD will consider the ERR to be site specific.**

For Categorically Excluded (subject to 58.5) activities and those requiring an Environmental Assessment, the HUD Statutory Worksheets and Environmental Review Formats must be completed to document compliance with other

federal laws. Completion of the Worksheets are the first step in the ERR process. These worksheets will indicate which, if any, agencies should be contacted for comments. The Environmental Review Formats include a section to provide a summary of the information obtained from the HUD Statutory Worksheets. Please read each question on the worksheets carefully and follow the instructions.

Marking "no" will indicate that the area of compliance is not applicable to the project or that there is sufficient documentation that compliance has been met and no mitigation or consultation is required. This information must be listed in the Compliance column of the Checklist. If the area of compliance is not applicable, the Grantee should indicate this and include an explanation as to why it is not applicable. This explanation should refer back to the determination on the HUD Worksheet.

The Grantee must also list all references consulted to reach the determination.

If "no" is checked for all areas of compliance on a Categorically Excluded project, then the project can be converted to Exempt. In this instance, the Grantee does NOT submit the Request for Release of Funds and Certification form..

If "yes" should be marked on the Statutory Checklist, the Grantee must include one of the following in the Compliance column of the Statutory Checklist along with a summary of the determination and actions taken:

- Consultation/Review procedures required – This is when consultation is required with federal or federally authorized agencies or when additional studies are needed (e.g., section 106 concurrence memo or Eight-Step Process).
- Determination of consistency, approvals, and permits obtained – This is needed when areas require consistency or where projects require permits, licenses, or other forms of approval (e.g., consistency with state coastal zone management plan).
- Conditions or mitigation actions required – This is when a project requires conditions or mitigation. Any that are required should be listed in the Mitigation Measures and Conditions for Project Approval section of the Statutory Checklist. Also, this information must be included in the "Project Activity/Project Description" section on the HUD 7015.15 form.

When "yes" is marked, the Grantee is required to publish a Notice of Intent to Request Release of Funds and submit a Request for Release of Funds form ([HUD 7105.15](#)) with the completed ERR document.

All areas of compliance require contact with a qualified individual from a local, state, or federal agency, or other qualified information. If an individual is used as a source, their title, agency, name, and the date of correspondence or verbal contact should be included in the Compliance column on the Checklist.

If the project will have an impact, positive or negative, on the environment, the degree and nature of the impact on the environment must be discussed in the Compliance column on the Checklist. If contact is verbal, a telephone log should be kept documenting the call. The OCD may request that this log be submitted for review. If a plan or publication is cited, the title, date, and page number must be shown. If the preparer of the checklist is used as a reference, it is imperative that the preparer is knowledgeable in the event that the validity of the ERR is ever questioned.

All letters, documents, etc., pertaining to the ERR must be included in the record. If a website is used as a data source for the compliance documentation, the website and date visited must be listed in the Compliance column. Also, a printout from the website with the data used to make the determination should be recorded in the ERR.

Particular attention must be given to the review requirements of floodplains and wetlands, historic preservation, farmlands protection, and noise. In addition, special attention should be paid to federal Executive Order 12898 issued February 11, 1994, concerning environmental justice. The HUD Environmental Review website can be used for more information and resources on environmental review compliance.

[HUD Environmental Review Website](#)

### **Historic Preservation**

Requirements are met by contacting the Louisiana Historic Preservation Officer and all Native American tribes identified by HUD as having an interest in the project's location to determine if the project will impact a historic or culturally significant structure or site. A letter signed by the Chief Elected Official describing the project and its location must be mailed to the Historic Preservation Officer and each appropriate tribe. A sample letter is included as [Exhibit A-24](#).

[HUD Historic Preservation Worksheet](#)

To determine which, if any, Native American tribes should be consulted, the Grantee must use HUD's Tribal Directory Assessment Tool. Include a copy of the printout from this tool in the ERR. Each tribe member listed in the directory must be contacted even if there is more than one contact per tribe. The letter to, and the response from, the Historic Preservation Officer and each appropriate tribe must be included in the ERR. If a tribe requests that a clause be incorporated into the contract (e.g., an inadvertent discovery clause), then the Grantee must comply. If no tribes reply within 30 days, document this by writing "no tribes responded" in the Compliance Finding column of the Checklist.

[HUD Tribal Directory Assessment Tool](#)

### **Floodplain Management**

For this area, the project must comply with federal Executive Order No. 11988, covered in HUD regulations 24 CFR part 55. Most physical actions taken in a 100-year floodplain are subject to part 55, including structures, roads, and pipelines with the exception of minor clearing and grubbing. If an *incidental* portion of a project site is in the floodplain, part 55 does not apply. For projects involving building structures, part 55.12(b)(2) states that minor rehabilitation that does not meet the threshold for substantial improvements is not subject to part 55. The definition of substantial rehabilitation is given in part 55.2(b)(8). HUD funds cannot be used in floodways unless an exception in section 55.12(c) applies, or the project is a functionally dependent use (e.g., dams, marinas, and port facilities) or a floodplain function restoration activity."

[24 CFR Part 55](#)

[24 CFR 55.12\(b\)](#)

[24 CFR 55.2\(b\)\(8\)](#)

[24 CFR 55.12\(c\)](#)

[HUD Floodplain Management Worksheet](#)

On the checklist, indicate as to whether part 55 applies to the project and is located within a 100-year floodplain identified by FEMA maps or if it is a critical action (emergency facilities or facilities for mobility impaired persons) within a 500-year floodplain. **Water and sewer treatment plants are considered critical actions, so the Eight-Step Process must be completed if they are in a 500-year floodplain.**

The compliance documentation must also include the floodplain map panel number and date, or contact with another source if there is no FEMA map for the project area. If FEMA has developed preliminary maps, they must be used. If FEMA has not published flood maps or developed preliminary maps of the area, the Grantee must make a finding based on best available data, such as the municipality/parish engineer or local Flood Control

Agency. However, a base flood elevation from an interim, preliminary, or non-FEMA source cannot be used if it is lower than the current FIRM and FIS. FEMA maps are available on the FEMA Flood Map Service Center. The ERR must include a floodplain map with the project area marked even if the project is not in a floodplain.

[FEMA Flood Map Service Center](#)

If part 55 does apply to the project, the Grantee must complete an Eight-Step Process, which is summarized below. Documentation must be provided in the ERR for each of the following steps:

[24 CFR 55.20](#)

[HUD 8 Step Process Flowchart](#)

- Determine if the project is located in a 100-year floodplain or has an impact on the floodplain by locating the project on a floodplain map. Record the results and date of this examination in the ERR.
- Involve the public in the decision-making process by publishing an Early Public Review Notice ([Exhibit A-25](#)) in a local newspaper to make the public aware of the Grantee's intention of conducting a project within the floodplain. This notice requires a 15-day comment period.
- Determine if there is a practical alternative to locating the project in a floodplain through alternative sighting, an alternative action that would minimize damage to or within the floodplain, or no action.
- Identify adverse impacts on the base flood plain, e.g., whether it will directly or indirectly support flood plain development, whether the impact is concentrated or dispersed, and if it is short or long lived.
- Identify methods to be used to minimize, restore, and preserve the floodplain.
- Re-evaluate alternatives, taking into account identified impacts and minimization measures. Is it possible to modify or relocate the project to eliminate or reduce these effects, or should no action be taken?
- Announce and explain the decision to the public by publishing a Notice of Explanation ([Exhibit A-26](#)) in a local newspaper. This notice requires a seven-day comment period and can be published simultaneously with the Notice of Intent to Request Release of Funds if the project is Categorically Excluded Subject to 58.5, *not* if the project requires a full Environmental Assessment.
- Implement the project with appropriate mitigation.

**Grantees must use the current format for notices and carefully review them before publishing to ensure that all information is included and correct.**

### **Wetlands Protection**

This area must comply with federal Executive Order 11990. The E.O. 11990 applies to **new construction, land use conversion, major rehabilitation, and/or substantial improvements**. The Grantee should contact the OCD if there are any questions as to whether or not this area of compliance applies to their project.

[Executive Order 11990](#)

[HUD Wetlands Protection Worksheet](#)



The National Wetlands Inventory defines wetland areas broadly and is maintained by the U.S. Fish and Wildlife Service.

#### Instructions for Checking the Wetlands Mapper

1. Go to <https://www.fws.gov/wetlands/Data/Mapper.html>.
2. Click on the map in the Wetlands Mapper box at the bottom of the page.
3. Accept the terms and conditions.
4. Select “Find Location,” then enter the location of the project in the box and click “Go.”
5. Select “Basemaps,” then “Streets.”
6. Use the zoom bar on the left to bring the project location into view.
7. Select “Print” at the top, enter a title, and click “Print” again.
8. When the title appears below “Print Jobs,” click on the link to view your map.
9. Print a color copy to include in the ERR.
10. Mark the project location on the map.

A copy of the National Wetlands Inventory Map for the project area showing its specific location and activities (if conducting a site-specific ERR) must be included in the ERR. However, not all areas of the state have been added to the website map at this time. If the project area is not included and the USACE (U.S. Army Corps of Engineers) makes a determination that wetlands do not exist there, the Grantee must then decide if there are any wetlands in the project area.

Federal Executive Order 11990 (section 7(c)) defines wetlands as follows:

“Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.” If

it is obvious to the ERR preparer and certifying officer that no wetlands exist in the project area based on the above, this determination is acceptable. However, if the Grantee is unable to make this determination, a wetlands specialist should be hired to make a determination, or the Grantee can complete the Eight-Step Process as if there are wetlands present in the project area.

[Executive Order 11990](#)

In summary, no wetlands exist if not indicated by the U.S. Fish and Wildlife Service’s National Wetland Inventory Map OR if the area has not been mapped and the ERR preparer and certifying officer have made a determination that there are no wetlands.

HUD regulations found at 24 CFR part 55 cover both floodplain management and protection of wetlands. Therefore, if a project involves new construction or substantial improvements and is located within a designated wetland, the Eight-Step Process is required. The Eight-Step Process should be conducted jointly if the project is also located in a floodplain. If this is done, both floodplains and wetlands must be addressed and referenced throughout all eight steps and in the published notices.

[24 CFR Part 55](#)

[HUD 8 Step Process  
Flowchart](#)

Please review the notices carefully prior to publication to ensure all information is included and correct.

### **Coastal Areas**

With very limited exceptions, federal funds assistance is not allowed in Coastal Barrier Resource Areas (CBRA's). Grantees must document with a map that the project is not located within a CBRA or the activity is exempted.

[HUD Coastal Barrier Resources Worksheet](#)

Review the Coastal Zone Boundary Map found on the Office of Coastal Management website to determine if the project falls within the 20 coastal zone parishes. If it is, the Grantee must contact the [Louisiana Department of Natural Resources, Office of Coastal Management \(OCM\)](#) for comment.

[Louisiana Coastal Boundary Map](#)

[HUD Coastal Zone Management Worksheet](#)

Projects that are near the coastal zone boundary or those which may involve discharges into waters that flow into the coastal zone should be submitted to OCM for review as well. If the project is clearly not within the coastal zone, the Grantee may use the [Coastal Zone Act, Louisiana Legislation Act 361, Revised](#), as a reference. A copy of the map must be included in the ERR with the project area indicated.

If the Grantee is seeking comments on the need to obtain a Coastal Use Permit or other authorization from OCM, a Request for Determination or Solicitation of Views should be submitted to OCM's Permits and Mitigation Division. Instructions as well as downloadable and online applications are located at <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>. In Step 3 of the application, the box for Request for Determination or Solicitation of Views should be checked.

[OCM Permits and Mitigation Division](#)

Questions regarding this process may be directed to OCM Permits Section staff.

### **Sole Source Aquifers**

This compliance area must be addressed if the project involves new construction or land use conversion. A map designating the location and boundary of the Chicot aquifer system and the Southern Hills aquifer system is located on the EPA Sole Source Aquifers Interactive Map. If this map is used as a reference, a copy of the map with the project's location marked must be included in the ERR. The Grantee should contact the EPA/Water Management Division for projects that are located in the Southern Hills or Chicot aquifer systems. All documentation must be included in the ERR and summarized in the Statutory Checklist.

[HUD Sole Source Aquifers Worksheet](#)

[EPA Sole Source Aquifers Interactive Map](#)

### **Endangered Species**

According to the Statutory Worksheet, if the project involves "resurfacing, repairing, or maintaining existing streets where additional ground disturbance, outside of the existing surface, is not necessary," the Responsible Entity may make the determination that consultation is not needed.

[HUD Endangered Species Worksheet](#)

If the project does not meet the description above as per the HUD Environmental Field Officer, the Grantee is required to determine if contact with the agency is necessary. Instructions for contacting the U.S. Fish & Wildlife Service/Louisiana Ecological Services can be found at <https://www.fws.gov/office/louisiana-ecological-services>. The Grantee must complete a USFSW Report and include it with the ERR if compliance with this section is necessary. If the consultation with USFWS indicates that the project will not adversely affect threatened or endangered species or modify critical habitats, the Grantee will mark box A on the Statutory Checklist. If the USFWS's response specifies that the project will have an effect, the Grantee must mark box B and enter into a formal consultation with the agencies in accordance with procedural regulations contained in 50 CFR part 402.

[50 CFR Part 402](#)

**Please note that the Responsible Entity (Grantee) must make this finding and include a memorandum in the ERR; consultants and engineers cannot be the source for this determination.**

### **Wild and Scenic Rivers**

If the project involves new construction or meets the definition of substantial improvements, then the Grantee must determine if the project is located within one mile of a designated Wild & Scenic River or a river being studied as a potential component of the Wild & Scenic River system. If it is, a determination must be obtained from the National Park Service (NPS) that shows that the project will not have a direct and adverse effect on the river or invade or diminish values associated with the rivers. For rivers included in the Nationwide River Inventory, consultation with the NPS is required to identify and eliminate direct and adverse effects. According to the NSP Wild and Scenic River System map, the Saline Bayou is the only river in Louisiana listed in the National Wild and Scenic Rivers system. A listing of the rivers being studied as a potential component of the Wild & Scenic River system can be found online. The Nationwide River Inventory (NRI) listed rivers can also be found on the NPS website. Supporting documentation must be included in the ERR.

[HUD Wild and Scenic Rivers Worksheet](#)

[National Wild and Scenic River System](#)

[Wild and Scenic River Studies](#)

[Nationwide River Inventory \(NRI\)](#)

### **Air Quality (Clean Air Act)**

Projects that involve new construction or substantial improvements must get a determination if the community meets the National Ambient Air Quality Standards. The Louisiana Department of Environmental Quality may be contacted to get this determination. The compliance documentation should state if the community is attainment or non-attainment and if the project will affect air quality. If the project is in a non-attainment zone, the Grantee must obtain a letter showing that the project is consistent with the State Implementation Plan (SIP). If the project is not consistent with the SIP, then the Grantee must contact the EPA to determine if a permit is required. Region 6 Air State Implementation Plans can be found at <https://www.epa.gov/approved-sips/approved-sips-region-6>.

[HUD Air Quality Worksheet](#)

### **Farmland Conversion**

The Farmlands Protection Policy Act (FPPA) minimizes the extent to which federally assisted actions and projects convert farmland to non-agricultural uses. The FPPA (7 USC Sec. 4201 et seq.) defines prime farmland, unique farmland, and farmland of state or local importance. If the project is located in an area that is committed or zoned to urban use, no further review is necessary. The Natural Resources Conservation Services (NRCS) web soil survey maps and instructions can be found on the Web Soil Survey page.

[HUD Farmlands Protection Worksheet](#)

[NRCS Web Soil Survey](#)

When a proposed project converts farmlands to non-agricultural uses, the Farmland Conversion Impact Rating Form AD-1006 must be completed. It can be obtained from the NRCS website.

[Farmland Conversion Impacting Rating Form \(AD-1006\)](#)

The Act encourages federal agencies to consider the effects of the project on farmland conversion. The final decision to convert farmland to non-agricultural uses rests with the agency or, in this case, the LCDBG recipient.

This section should include one of the following forms of 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.

### **Noise Abatement and Control**

This area is covered by 24 CFR part 51. The compliance documentation must contain a statement that noise assessments will be prepared for any building involving substantial rehabilitation or replacement located within a noise sensitive area (1,000 feet of a street having 4 lanes of traffic, 3,000 feet of railroad, or 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually). Projects that only involve minor rehabilitation will not require noise assessments, which should be referenced in the Compliance Documentation column. A noise handbook, which contains detailed instructions for the noise assessment, is available upon request from the OCD. The assessment is ONLY required for projects that are noise sensitive, such as places where people sleep or congregate.

[HUD Noise Abatement and Control Worksheet \(CEST\)](#)

[HUD Noise Abatement and Control Worksheet \(EA\)](#)

[HUD Noise Abatement Assessment Tools](#)

### **Explosive and Flammable Facilities**

This area is covered by 24 CFR part 51 and is applicable to projects that involve development, construction, rehabilitation, modernization, or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial uses. If applicable, an Acceptable Separation Distance (ASD) must be determined for properties within one mile of above-ground storage facilities containing explosive materials. It should be indicated in the Checklist's Compliance Documentation column that this will be accomplished for each property selected. If the property is not within the ASD, the Grantee must provide mitigating measures unless they are already in place. A copy of the Acceptable Separation Distance Guidebook and tools can be found on the HUD website.

[HUD Explosive and Flammable Facilities Worksheet \(EA\)](#)

[HUD Acceptable Separation Distance Guidebook](#)

[HUD Acceptable Separation Distance Assessment Tool](#)

### **Contamination and Toxic Substances**

This area is covered by 24 CFR Part 50.3(i) and CFR 58.5(i)(2) and applies to projects at the CEST, EA, and EIS level, including those that are categorically excluded from NEPA review but subject to the related federal laws and authorities, all environmental assessments, and environmental impact statements.

[HUD Site Contamination Worksheet \(Single Family\)](#)

[HUD Site Contamination Worksheet \(Multi-Family\)](#)

"All property proposed for HUD program assistance shall be free of hazardous materials, contamination, toxic chemicals, gases and radioactive substances where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the property."

The environmental review record should contain one of the following:

- Evidence the site is not contaminated: A report should be obtained from NETROnline <https://environmental.netronline.com/> A Phase I Environmental Site Assessment is also required for all HVAC projects and may be needed if the results of the NERO search yields significant findings on any other project.
- 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
- Documentation the site has been cleaned up according to EPA or state standards for residential properties, which requires a letter of "No Further Action" (NFA) required from the appropriate state department/agency, or a RAO letter from the LSRP

EPA standards and compliance guides should be followed in regards to Mold, Lead Based Painting, Asbestos, and Radon testing.

### *Permits*

If any compliance area of the Statutory Checklist involves a permit that is necessary to comply with other federal laws and authorities listed under section 58.5 or other requirements listed under 58.6, the permit must be included in the ERR's documentation. This includes permits such as coastal zone permits. If the U.S. Army Corps of Engineers requires a permit under section 404 of the Clean Water Act, HUD has determined that this permit is not required prior to completing the ERR since the Clean Water Act is not listed under the requirements of sections of 58.5 and 58.6. If the section 404 permit is required by the Corps of Engineers for the project, the permit must

be obtained before beginning project construction.

*Notice of Intent to Request Release of Funds (for Categorically Excluded Activities Subject to 58.5)*

After the Statutory Checklist is complete and signed by both the preparer and the Chief Elected Official, all comments have been received, and the comment periods for the floodplain/wetlands notices have expired, the Grantee must then notify the public that the ERR has been completed and that the Grantee intends to request the release of funds from the State. The OCD requires the Grantee to submit the ERR documents for review prior to publishing this notice. The Grantee should **not** publish the notice until directed to do so by the OCD. For Categorically Excluded projects, it is ONLY necessary to publish or post the Notice of Intent to Request Release of Funds ([Exhibit A-19](#)), not the Combined Notice. The Combined Notice is necessary for Environmental Assessment activities.

The Notice of Intent to Request Release of Funds informs interested parties that the Grantee intends to submit to the State a Request for Release of Funds and Certification ([Exhibit A-2](#)) no sooner than 7 full days after publication or 10 days after posting. The local comment period begins the day AFTER the notice is published or posted. For publication, the actual day to submit the request for funds to the State would be day 8. For posting, it would be day 11. The notice must give a projected date of not less than 15 days from receipt of the ERR by the State as the State's last day to receive objections or comments to the request for release of funds. **If the projected date for the State's 15-day comment period falls on a holiday or weekend, the date should be the next working day.** Copies of the Notice of Intent, Request for Release of Funds and Certification, and public comments received must be included in the Environmental Review Record.

The following is an example of dates for the Notice of Intent to Request Release of Funds:

	Published	Posted
Notice of Intent Date	6/4/xx (7 days)	6/4/xx (10 days)
Date of Request for Release of Funds and Certification	6/12/xx	6/15/xx
Date ERR and request for funds mailed to State	6/12/xx	6/15/xx
ERR received by State	6/14/xx	6/17/xx
State's 15-day Public Comment Period	6/15/xx to 6/29/xx	6/18/xx to 7/2/xx

*Completing the Environmental Assessment*

When completing the Part 58 Environmental Assessment Form the Grantee must carefully address the narrative discussions in the assessment and include all relevant maps, site plans, photographs, budgets, etc. **Discussion must be specific to each project rather than using language that is generic in nature.**

A brief discussion of the purpose of the project and possible alternatives (e.g., the feasibility of the project, the reason the particular project design was chosen, etc.) should be included in the "Statement of Purpose and Need for the Proposal" section.

The “Existing Conditions and Trends” section must contain a discussion of what the result would be if the project was not completed, as well as any other existing conditions of the area.

Following the assessment, the Grantee will determine if the project will significantly affect the quality of the environment and require the preparation of an Environmental Impact Statement (EIS).

Any mitigation actions or modification measures adopted by the Grantee to eliminate or minimize environmental impacts should be listed in the “Mitigation Measures and Conditions” section on the EA form.

The Part 58 Environmental Assessment Form provides the choices for determinations under each area of compliance. The source documentation must be as detailed as possible and address the topic as related to the project.

It is important that careful attention is given to each section for each project and generic language is not used in any of the sections. Each section must be answered even if the same information is included in other areas of the ERR.

#### *Combined or Concurrent Notice (for Activities Requiring an Environmental Assessment)*

When the Statutory Checklist and the Environmental Assessment are both complete and signed by the preparer and the Chief Elected Official, all comments have been received, and the comment periods for the floodplain/wetlands notices have expired, the Grantee must inform the public that it has determined that the project will not significantly affect the environment and that it intends to request the release of funds from the State.

The OCD requires the Grantee to submit the ERR documents for review prior to publishing this notice. The Grantee should *not* publish the notice until directed to do so. This notice ([Exhibit A-22](#)) is necessary for projects requiring an Environmental Assessment. The notice combines the Notice of Finding of No Significant Impact (FONSI) and the Notice of Intent to Request Release of Funds (NOIRRF). The notice can be published or posted.

The Combined Notice identifies the project, gives the reason for the decision of no significant impact to the environment, invites public comment for a 15- or 18-day review period, notifies the public of the community’s intent to request a release of funds, and includes a 15-day period for the State to receive public comments. After the first local public comment period (FONSI) has elapsed, the Request for Release of Funds and Certification, the Environmental Review Record, and any comments received may be submitted. The dates at the beginning of this notice should indicate the date of publication or posting, and the final date of the State’s public comment period, not the final date of the FONSI’s local public comment period.

The State’s 15-day public comment period begins the day after the State receives the Request for Release of Funds and the ERR. If the projected date for the State’s 15-day public comment period should fall on a holiday or a weekend, the projected date given in the notice should be the next working day.

The following is an example of dates and public comment periods for the Combined Notice:

	Publication Date	Posted Date
Combined Notice Date	6/4/xx (15 days)	6/4/xx (18 days)
Date of Request for Release of Funds and Certification	6/20/xx	6/23/xx
Date ERR and request for funds mailed to State	6/20/xx	6/23/xx
ERR received by State	6/22/xx	6/25/xx
State's 15-day Public Comment Period	6/23/xx to 7/7/xx	6/26/xx to 7/10/xx
Combined Notice Date	6/4/xx (15 days)	6/4/xx (18 days)
Date of Request for Release of Funds and Certification	6/20/xx	6/23/xx
Date ERR and request for funds mailed to State	6/20/xx	6/23/xx
ERR received by State	6/22/xx	6/25/xx
State's 15-day Public Comment Period	6/23/xx to 7/7/xx	6/26/xx to 7/10/xx

If published, the Combined Notice must be published in a general circulation newspaper and proof of publication must be included in the ERR. Proof of publication means that either the actual dated newspaper article or an original notarized copy of the published notice is provided. If posted, send a copy of the posted notice with documentation signed by the Chief Elected Official stating where the notice was posted and the dates of posting. The Combined Notice must also be distributed to appropriate tribal, local, state (**including the OCD**) and federal agencies, and particularly, to the national and regional offices of the Environmental Protection Agency and FEMA. Do **not** send a copy of the notice to the HUD Area Office in New Orleans. [Exhibit A-23](#) shows a sample Distribution List.

#### *Request for Release of Funds and Certification*

Any written comments received in response to the notices must be addressed and filed in the ERR.

This form shown in [Exhibit A-2](#) must be completed and submitted to the State following the final publications discussed above. **The form must be signed by the Chief Elected Official AFTER the end of the local public comment period required by either the Notice of Intent to Request Release of Funds or the Combined Notice, whichever is applicable to the project's ERR.** Also, as per HUD, the form must be shown on the front and back of a single sheet, not on two sheets of paper.

Once the State receives the ERR documentation and Request for Release of Funds and Certification form, the OCD will inform the Grantee that no objections to the release of grant funds were received by the OCD following the State's required 15-day public comment period. This letter will confirm whether the ERR cleared is site specific or project area based.



## ERR AMENDMENTS

**If the project site/location or scope of work changes from what was originally cleared, an amendment to the ERR is required and must be submitted to the OCD for review.** If this is necessary, all areas of compliance must be reconsidered during this process and the Grantee must submit a Re-evaluation of Environmental Review Form (**Exhibit A-14**). If the project requires an Environmental Assessment and the determinations made are still valid and have not changed from the original ERR, the Grantee must only submit the revised ERR that includes the new determinations on the checklists. No further publication of a Finding of No Significant Impact is required. This includes projects that are expanding the project area that is contiguous to the original project area. However, if any of the determinations regarding the areas of compliance differ from the original ERR or if the project is amended to add a new activity or location, a new notice of Finding of No Significant Impact will be required.

**For a Summary of Environmental Review Requirements, see [Exhibit A-27](#).**