

Attachment 2-5

NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS
(Sample)

*Date _____

(Name of Applicant)

(Street, City, Zip Code)

(Telephone #)

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

Request for Release of Funds

On or about (date, at least one day after end of public comment period), the (insert RE name) will submit a request to the Department for Local Government for the release of Community Development Block Grant (CDBG) funds under Title 1 of the Housing and Community Development Act of 1974 (PL 93-383) to undertake the following project:

(Project Title or Name)

(Purpose or Nature of the Project)

(Location – City, County, State – of Project)

(Census Tract(s))

Environmental Statement

The activities proposed are *either #1) categorically excluded un HUD regulations at 24 CFR part 58 from National Environmental Policy Act of 1969 (NEPA) (PL-91-190) or #2) comprise a project for which a Finding of No Significant Impact (FONSI) on the environment was published on date.* An Environmental Review Record (ERR) respecting the within project has been made by *(insert RE name)* which documents the environmental review of the project and more fully sets forth the reasons why such Statement is not required. This Environmental Review Record is on file at the *(insert RE name and address) (also insert address of other locations ERR is available)* and is available for public examination and copying, upon request, at Room _____ between the hours

of ____ A.M. and ____ P.M. No further environmental review of such project is proposed to be conducted.

Public Comments

All interested agencies, groups, and persons disagreeing with the ERR decision are invited to submit written comments for consideration by the (*insert RE name*) to the (office of the undersigned) (other specified place). Such written comments should be received at (the address specified) on or before (date**). All such comments so received will be considered prior to authorizing submission of a request for a release of funds or taking any administrative action on the within project prior to the date specified on the proceeding sentence. Comments should specify which Notice they are addressing.

Environmental Certification

The (*insert RE name*) will undertake the project described above with Block Grant funds from the Department for Local Government under Title I of the Housing and Community Development Act of 1974. The (*insert RE name*) is certifying to the state that (name of applicant) and (chief executive officer or other environmental certifying officer of applicant approved by the state), in his/her official capacity as _____ (office) _____ consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval (*insert RE name*) may use the Block Grant funds and the state and HUD will have satisfied their responsibilities under the National Environmental Policy Act of 1969 and related laws and authorities.

Objection to Release of Funds

The state will accept objections to its release of funds and the (*insert RE name*) certification for a period of fifteen days following the anticipated submission dates or it's actual receipt for the request (whichever is the later) only if they are on one of the following bases:

- (a) The certification was not in fact executed by the (*insert RE name*) Certifying Officer.
- (b) The (*insert RE name*) has failed to make one of the two findings pursuant to S58.41 or to make the written determination decision required by SS578.57, 58.53 or 58.64 for the project, as applicable.
- (c) The (*insert RE name*) has omitted one or more of the steps set forth at Subparts F and G for the preparation and completion of an EA.

- (d) No opportunity was given to the Advisory Council on Historic Preservation or its Executive Director to review the effect of the project on a property listed on the National Register of Historic Places, or found to be eligible for such listing by the Secretary of the Interior, in accordance with 36 CFR Part 800.
- (e) The recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR part 58 before approval of the release of funds and approval of the Environmental Certification by HUD or the State.
- (f) Another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Department for Local Government, Office of Federal Grants, 1024 Capital Center Drive, Ste. 340 Frankfort, Kentucky 40601.

Objections to the release of funds on bases other than those stated above will not be considered by the state. No objection received after (*** date of last day in the 15 day period) will be considered by the state. Potential objectors should contact the Department for Local Government to verify the actual last day of the state Comment period.

(Name of Certifying Officer of Applicant/Title)

(Address)

* Date of Publication.

** No Less than 7 days after date of this publication.

*** Estimate this date from time grantee anticipates the State will receive request. See Part 58.31.