

## Chapter 2: Environmental Review

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### Introduction

The purpose of the environmental review process is to analyze the effect a CDBG-funded project may have on the people in and the natural environmental features of a project area.

Grantees who are recipients of KCDBG funds are considered responsible entities and must complete an environmental review of all project activities prior to obligating any project funds. This requirement also applies to projects funded with KCDBG-generated program income.

This chapter will cover the environmental regulations and requirements that must be followed on all KCDBG funded projects. Definitions, forms and step-by-step instructions on how to complete the environmental reviews are provided within this chapter and its attachments.

### Section 2-A. Applicable Regulations

The HUD rules and regulations that govern the environmental review process can be found at 24 CFR Part 58. The provisions of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations in 40 CFR Parts 1500 through 1508, and a myriad of other state and Federal laws and regulations (some of which are enforced by state agencies) also may apply depending upon the type of project and the level of review required. These laws and authorities are referenced in the HUD and NEPA regulations and are listed in several of the chapter attachments.

24 CFR Part 58:  
Environmental Review

The information contained in this chapter summarizes a number of State and Federal statutes and regulations and is solely intended to give the grantee (responsible entity) an overview of its obligations in the environmental review process. Citation of these summaries may not be used as the basis for any action or inaction or as a defense in any litigation. The grantee (responsible entity) and the Environmental Certifying Officer are responsible for referring to and complying with the specific citations listed herein.

### Section 2-B. Legal Responsibilities

#### The Responsible Entity

Under 24 CFR Part 58, the term “responsible entity” (RE) means the grantee under the state CDBG Program. Therefore, these terms are used interchangeably with grantee throughout this chapter and the attachments. (The term “funding agency” is used in place of DLG, but can be interpreted to include any agency that provides funds to a project and has environmental oversight responsibilities.) 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 Executive Officer (CEO) of the responsible entity agrees to assume the role of “responsible Federal official” under the provisions of the National Environmental Policy Act (NEPA). This means that if someone

brings suit against the responsible entity in Federal court on environmental grounds, the CEO will be named as the defendant. There may be financial implications associated with any lawsuit and, of course, any fines, judgments or settlements that may result. The Commonwealth of Kentucky accepts no responsibility or liability for the quality or accuracy of the local environmental review process. DLG's responsibility is to inform the grantee of the proper procedural requirements of various environmental statutes, regulations and executive orders and review that process.

## Environmental Certifying Officer

Under Part 58, the local chief elected or appointed official must assume the role of the Environmental Certifying Officer (ECO) or formally designate another person to do so. If the CEO does designate a staff person to serve as the ECO, this designation should be made in writing and signed by the CEO and placed in the Environmental Review Record.

The ECO accepts full responsibility for the completeness and accuracy of the review and compliance with applicable laws and regulations. Local officials should review the municipal liability and indemnification statutes as well as the status and coverage of local liability insurance policies when accepting responsibility under environmental laws. The responsibilities of the ECO include making findings and signing required certifications.

Other key points regarding the ECO designation include:

- ✓ The ECO must be an employee of the responsible entity.
- ✓ This person does not need to be a technical expert, but should be credible if it becomes necessary to defend an environmental review.
- ✓ The ECO must be someone other than the person who actually conducts the review and completes the applicable documentation in the ERR, and who is authorized to make decisions on behalf of the grantee.

## Environmental Review Record

Each responsible entity must prepare and maintain a written record of the environmental review undertaken for each project. This written record or file is called the Environmental Review Record (ERR), and it must be available for public review.

The ERR shall contain all the environmental review documents, public notices, and written determinations or environmental findings required by 24 CFR Part 58 as evidence of review, decision making and actions pertaining to a particular project. The document shall:

24 CFR Part 58.32

- ✓ Describe the project and each of the activities comprising the project, regardless of individual activity funding source; and
- ✓ Evaluate the effects of the project or the activities on the human environment;
- ✓ Document compliance with applicable statutes and authorities; and
- ✓ Record the written determinations and other review findings required by 24 CFR Part 58;

The ERR will vary in length and content depending upon the level of review required for the categories of activities.

Public comments, concerns and appropriate resolution by the recipient are extremely important and must be fully documented in the ERR.

## Section 2-C. Actions Triggering Environmental Review and Limitations Pending Clearance

### Actions Triggering the Requirements of Part 58

Activities that have physical impacts or which limit the choice of alternatives cannot be undertaken, even with the grantee or other project participant’s own funds, prior to obtaining environmental clearance. If prohibited activities are undertaken after submission of an application but prior to receiving approval from the state, the applicant is at risk for the denial of CDBG assistance. The reason is that these actions interfere with the grantee’s and the state’s ability to comply with NEPA and Part 58. If prohibited actions are taken prior to environmental clearance, then environmental impacts may have occurred in violation of the Federal laws and authorities and the standard review procedures that ensure compliance.

There are certain kinds of activities that may be undertaken without risking a violation of requirements of Part 58. For example, the act of either hiring a consultant to prepare a Phase I Environmental Site Assessment (an 24 CFR Part 58.22 investigative study for environmental hazards), or hiring a consultant to complete an engineering design study or plan, or a study of soil and geological conditions.

### Limitations Pending Environmental Clearance

According to the NEPA (40 CFR 1500-1508) and Part 58, the RE is required to ensure that environmental information is available before decisions are made and before actions are taken. In order to achieve this objective, Part 58 prohibits the commitment or expenditure of CDBG funds until the environmental review process has been completed and, if required, the grantee receives a release of funds from the state. This means that the grantee may not spend either public or private funds (CDBG, other Federal or non-Federal funds), or execute a legally binding agreement for property acquisition, rehabilitation, conversion, repair or construction pertaining to a specific site until environmental clearance has been achieved. In other words, grantees must avoid any and all actions that would preclude the selection of alternative choices before a final decision is made – that decision being based upon an understanding of the environmental consequences and actions that can protect, restore and enhance the human environment (i.e., the natural, physical, social and economic environment).

The RE should note that, on the average, an environmental review usually takes at least 45 to 60 days to complete. Environmental assessments may take longer depending upon the environmental conditions and applicable requirements.

Note that HUD issued a new policy in April of 2011 that states that a grantee (or other project participants) cannot go to bid on activities that would be choice limiting (e.g., construction, demolition) until an environmental review is complete. This policy is based on NEPA and requires the environmental process to be completed prior to bidding in order to allow for an unprejudiced decision about the action and to allow for any modifications or project cancellation based upon the environmental review. To comply with this policy, grantees must have a signed environmental clearance from DLG prior to bid advertisement.

Moreover, until the grantee has completed the environmental review process (and received a release of funds), these same restrictions apply to project participants as well. It is the responsibility of the grantee to ensure project participants are apprised of these restrictions.

For the purposes of the environmental review process, “commitment of funds” includes:

- ✓ Execution of a legally binding agreement (such as a property purchase or construction contract);
- ✓ Expenditure of CDBG funds (e.g., hiring a consultant to prepare a preliminary design and engineering specifications or a Phase I Environmental Site Assessment);
- ✓ Use of any non-CDBG funds on actions that would have an adverse impact--- e.g., demolition, dredging, filling, excavating; and
- ✓ Use of non-CDBG funds on actions that would be “choice limiting”---e.g., acquisition of real property; leasing property; rehabilitation, demolition, construction of buildings or structures; relocating buildings or structures, conversion of land or buildings/structures

It is acceptable for grantees to execute non-legally binding agreements prior to completion of the environmental review process and receiving DLG approval. A non-legally binding agreement contains stipulations that ensure the project participant does not have a legal claim to any amount of CDBG funds to be used for the specific project or site until the environmental review process is satisfactorily completed.

It is also acceptable to execute an option agreement for the acquisition of property when the following requirements are met:

- ✓ The option agreement is subject to a determination by the grantee on the desirability of the property for the project as a result of the completion of the environmental review in accordance with Part 58; and
- ✓ The cost of the option is a nominal portion of the purchase price.

In a memo issued by HUD on August 6, 2011, the use of conditional contracts in acquisitions that involve the use of CDBG funds was clarified. A conditional contract for the purchase of property is a legal agreement between the potential buyer of a real estate property and the owner of the property. The conditional contract includes conditions that must be met for the obligation to purchase to become binding. Conditional contracts can be used in more limited circumstances than option contracts. First, conditional contracts are allowed only for residential property acquisition.

Secondly, for single family properties (one to four units):

- ✓ The purchase contract must include the appropriate language for a conditional contract (See the text box below); and
- ✓ No transfer of title to the purchaser or removal of the environmental conditions in the purchase contract occurs unless and until the grantee determines, on the basis of the environmental review, that the transfer to the buyer should go forward and the grantee has received release of funds and environmental clearance; and
- ✓ The deposit must be refundable or, if a deposit is non-refundable, it must be in an amount of \$1,000 or less.

Finally, for multi-family properties:

- ✓ The structure may not be located in a Special Flood Hazard Area (100-year floodplain or certain activities in the 500-year floodplain);
- ✓ The purchase contract must include the appropriate language for a conditional contract (See the text box below);
- ✓ No transfer of title to the purchaser or removal of the environmental conditions in the purchase contract occurs unless and until the grantee determines, on the basis of the environmental review, that the transfer to the buyer should go forward and the grantee has received release of funds and environmental clearance; and
- ✓ The deposit must be refundable or, if a deposit is non-refundable, it must be a nominal amount of three percent of the purchase price or less.

Please contact DLG if assistance is needed with options or conditional contract language.

Language that Must be Included in Conditional Contracts for Purchase of Residential Property

"Notwithstanding any other provision of this Contract, Purchaser shall have no obligation to purchase the property and no transfer of title to the Purchaser may occur, unless and until [the RE name] has provided purchaser and/or seller with a written notification that: 1) it has completed a Federally-required environmental review and its request for release of funds has been approved and subject to any other contingencies in this contract, (a) the purchase may proceed or (b) the purchase may proceed only if certain conditions to address issues in the environmental review shall be satisfied before or after the purchase of the property; and 2) it has determined that the purchase is exempt from Federal environmental review and a request for release of funds is not required. [RE name] shall use its best efforts to conclude the environmental review of the property expeditiously."

## Section 2-D. Classifying Activities and Conducting the Review

To begin the environmental review process, the responsible entity must first determine the environmental classification of each activity in the project. This section will focus upon the five environmental classifications that are recognized under the CDBG program:

- ✓ Exempt activities;
- ✓ Categorically excluded activities not subject to Part 58.5;
- ✓ Categorically excluded activities subject to Part 58.5;
- ✓ Activities requiring an environment assessment (EA); or
- ✓ Activities requiring an environmental impact statement (EIS).

This section discusses the types of classifications and the steps required for each classification to ensure compliance with the applicable requirements.

The environmental regulations at 24 CFR Part 58.32 require the responsible entity to "...group together and evaluate as a single project all individual activities which are related geographically or functionally."

24 CFR Part 58.32

Once this has been done, the responsible entity must decide if the project is exempt, categorically excluded, or the project requires an environmental assessment or an environmental impact statement. If one activity in a project requires an assessment then the entire project must be assessed.

## Exempt Activities

Certain activities are by their nature highly unlikely to have any direct impact on the environment. Accordingly, these activities are not subject to most of the procedural requirements of environmental review. Listed below are examples which may be exempt from environmental review. For complete details refer to the environmental regulations at 24 CFR Part 58.

- ✓ Environmental and other studies;
- ✓ Information and financial services;
- ✓ Administrative and management activities;
- ✓ Engineering and design costs;
- ✓ Interim assistance (emergency) activities if the assisted activities do not alter environmental conditions and are for temporary or permanent improvements limited to protection, repair or restoration actions necessary only to control or arrest the effects of disasters or imminent threats to public safety or those resulting from physical deterioration;
- ✓ Public service activities that will not have a physical impact or result in any physical changes;
- ✓ Inspections and testing of properties for hazards or defects;
- ✓ Purchase of tools or insurance;
- ✓ Technical assistance or training;
- ✓ Payment of principal and interest on loans made or guaranteed by HUD; and
- ✓ Any of the categorically excluded activities subject to Part 58.5 (as listed in 58.35(a)) provided there are no circumstances which require compliance with any other Federal laws and authorities listed at Part 58.5 of the regulations. Refer to the section below on categorically excluded activities subject to Part 58.5.

24 CFR Part 58.34 (a)(12)

If a project is determined to be exempt the responsible entity is required to document in writing that the project is exempt and meets the conditions for exemption. The responsible entity must **complete the Finding of Exemption** (sample is provided as Attachment 2-1). The form must be signed by the certifying official and a copy sent to the appropriate funding agency for review.

Attachment 2-1:  
Sample Finding of Exemption

## Categorically Excluded Not Subject to Part 58.5 Activities

The following activities, listed at 24 CFR Part 58.35(b), have been determined to be categorically excluded from NEPA requirements and are not subject to Section 58.5 compliance determinations.

- ✓ Tenant based rental assistance;
- ✓ Supportive services including but not limited to health care, housing services, permanent housing placement, short term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and Federal government services and services;

24 CFR 58.35(b)

- ✓ Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training, recruitment, and other incidental costs;
- ✓ Economic development activities including but not limited to equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
- ✓ Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction such as closing costs, down payment assistance, interest buy downs and similar activities that result in the transfer of title to a property; and
- ✓ Affordable housing predevelopment costs with NO physical impact such as legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
- ✓ Approval of supplemental assistance to a project previously approved under Part 58, if the approval was made by the same RE that conducted the environmental review on the original project AND re-evaluation of the findings is not required under Part 58.47. See the section later in the chapter on re-evaluation of previously cleared projects for further guidance.

To complete environmental requirements for Categorically Excluded projects not Subject to 24 CFR Part 58.5, the responsible entity must take the following steps:

- ✓ Make a finding of Exemption for activities that qualify under that category, if applicable, and put in the ERR.
- ✓ Make a finding of Categorical Exclusion Not Subject to 58.5 for activities that qualify under that category, if applicable, and put in the ERR.
- ✓ Carry out any applicable requirements of 24 CFR Part 58.6 and document the ERR.
- ✓ Make a Finding of Categorical Exclusion and place it in the Environmental Review Record (ERR).
- ✓ Complete the Request for Approval of Evidentiary Materials and Release of Funds form and submit to DLG with the Finding of Categorical Exemption Not Subject to Part 58.5.

Attachment 2-1:  
Sample Finding of Exemption

Attachment 2-2: Sample Finding of  
Categorical Exclusion Not Subject  
to 24 CFR Part 58.5

Attachment 1-1: Sample Request  
for Approval of Evidentiary  
Materials and Release of Funds  
Form

The responsible entity does not have to publish or post the

Notice of Intent to Request Release of Funds (NOI/RROF) or execute the environmental certification.

### Categorically Excluded Subject to Part 58.5 Activities

The list of categorically excluded activities is found at 24 CFR Part 58.35 of the environmental regulations. While the activities listed in 58.35(a) are categorically excluded from National Environmental Protection Act (NEPA) requirements, the grantee must nevertheless demonstrate compliance with the laws, authorities and Executive Orders listed in 58.5.

24 CFR Part 58.35(a)  
Attachment 2-3: Sample Finding  
of Categorical Exclusion Subject to  
24 CFR 58.5

The following are categorically excluded activities subject to 58.5:

- ✓ Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) 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.
- ✓ Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and disabled persons.
- ✓ Rehabilitation of buildings and improvements when the following conditions are met:
  - For residential properties with one to four units:
    - The density is not increased beyond four units;
    - The land use is not changed; and
    - If the building is located in a floodplain or in a wetland, the footprint of the building is not increased.
  - For multi-family residential buildings (with more than four units):
    - Unit density is not changed more than 20 percent;
    - The project does not involve changes in land use from residential to non-residential; and
    - The estimated cost of rehabilitation is less than 75 percent of the total estimated replacement cost after rehabilitation.
  - For non-residential structures including commercial, industrial and public buildings:
    - The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
    - The activity does not involve a change in land use, e.g. from commercial to industrial, from non-residential to residential, or from one industrial use to another.
- ✓ An individual action on up to four-family dwelling where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between;
- ✓ An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site;
- ✓ 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, financed, or disposed of will be retained for the same use.
- ✓ Combinations of the above activities.

To complete environmental requirements for Categorically Excluded projects subject to 24 CFR Part 58.5, the responsible entity must take the following steps:

24 CFR Part 58.35(a)

- ✓ Determine whether or not the project is located in or will have an impact on floodplains and/or wetlands.
  - It is highly desirable to avoid floodplains and wetlands when undertaking project activities. However, when this cannot be avoided, specific review procedures over and above the

review process described earlier are required. Since development in these areas is clearly an environmental issue, the effects of these actions must be clearly articulated in the environmental review process.

- If the project is located in the floodplain or impacts the floodplain or wetlands, the RE must complete the floodplain requirements before proceeding with the categorical exclusion, environmental assessment or environmental impact statement. The RE should be aware that most kinds of acquisition or construction (including rehabilitation) in the floodplain trigger the requirement for an environmental assessment even if those activities would have otherwise been categorically excluded. See the section, “Projects in Floodplains” later in this chapter for more information.
- ✓ Complete the Sample Statutory Checklist for Categorically Excluded Activities/Projects (Attachment 2-4). The checklist helps to comply with the other (non-NEPA) Federal laws.
 

Attachment 2-4: Sample Statutory Checklist for Categorically Excluded Activities/Projects

  - In regard to the first line on the checklist, “Historic Properties,” review Clearinghouse comments prior to writing to the SHPO for comments. (The Clearinghouse may have already stated that the SHPO has no objection to the project.) If the Clearinghouse states that a SHPO review is required, send a letter describing the activities and the reviewer’s determination if the activity (or activities) have an effect on historic preservation or not, to the State Historic Preservation Officer (SHPO) allowing 30 days for comments. Respond to these comments as required and file all correspondence and evidence of response in your ERR. Be sure reliable sources are cited on each line of the checklist. All historic property reviews must be done prior to the responsible entity making a final determination of environmental status.
 

Attachment 2-5: Sample Historical Preservation Notice
  - Consultation with tribal entities is also required. See Attachment 2-6 for a Sample Tribal Consultation letter. Refer to HUD Notice 12-006 for more guidance.
 

Attachment 2-6: Sample Tribal Consultation Letter
- ✓ Make a Finding of Exemption and/or Categorical Exclusion for those types of activities, if applicable, and put this form in the ERR.
 

Attachment 2-1: Sample Finding of Exemption  
Attachment 2-3: Finding of Categorical Exclusion Subject to 24 CFR Part 58.5
- ✓ Provide Notice of Intent to Request a Release of Funds (NOI/RROF). After all required public and agency comment periods have expired and any environmental issues are resolved, the grantee must provide notice of its intent to ask DLG to release their funds (Attachment 2-7). The notice informs the public of the intention to request release of funds at least seven days after the date of publication. The notice also says that the funding agency will receive objections for at least 15 days following receipt of the request.
 

Attachment 2-7: Sample Notice of Intent to Request a Release of Funds (NOI/RROF)  
Attachment 2-8: Sample Public Notice Distribution List
- ✓ **The NOI/RROF must be published in a newspaper of general circulation.** The grantee must retain the “tear sheet” from the newspaper evidencing that the notice was published and on what date.

- ✓ The grantee must also send a copy of the notice (NOI/RROF) to interested parties (i.e., persons and entities that have commented on the environmental process or that have requested to be notified of environmental activities), local news media, appropriate local, state and Federal agencies, the regional Environmental Protection Agency (EPA) and the HUD Kentucky State Office (Attachment 2-7).
- ✓ The grantee may also post the notice in prominent public locations (e.g., library, courthouse, etc.).

**TIP:** All time periods for notices shall be counted in calendar days. The first day of a time period begins at 12:01 a.m. local time on the day following the publication of the notice.

- ✓ After the seven-day comment period has elapsed, the responsible entity must prepare and submit the actual Request for Approval of Evidentiary Materials and Release of Funds (Attachment 1-1) and Environmental Certification (Attachment 2-9) and attachments to the appropriate funding agencies. The Environmental Certification certifies that responsible entities are in compliance with all the environmental review requirements.

Attachment 1-1: Request for Approval of Evidentiary Materials and Release of Funds  
Attachment 2-9: Sample Environmental Certification

- ✓ At the completion of the review, check the ERR to ensure that it contains the following documents:

- Finding of Categorical Exclusion (and Finding of Exemption, if applicable);
- Statutory checklist and supporting documents;
- Correspondence with the SHPO (and documentation of mitigating measures, if applicable);
- Floodplain notices and documentation of alternatives considered, if applicable;
- Full tear sheet from newspaper with Notice of Intent to Request Release of Funds; and
- Request for approval of evidentiary materials and release of funds, environmental certification and related correspondence.

Attachment 2-10: Sample Environmental Review Status

## Projects in Floodplains and Wetlands

When a project is in the 100-year floodplain or a wetland or will be a “critical action” in a 500-year floodplain, the implementation of a specific decision-making process is required for compliance with Executive Orders 11988 and 11990. A critical action is any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions include activities that create, maintain or extend the useful life of those structures or facilities that: produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials; provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas); or are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who

See also 24 CFR Part 55

reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers.

This decision-making procedure is commonly referred to as the “eight-step process”. The responsible entity must document that the eight-step decision making process discussed below has been completed.

✓ **Step One: Floodplain Determination.** Determine if the project is located in a base (100-year) floodplain. A floodplain refers to any land area susceptible to being inundated from any source of flooding including those which can be flooded from small and often dry water course.

- The maps identified below are published by the Federal Emergency Management Agency (FEMA). Check the following maps to determine if the project is located within a floodplain:
  - Flood Hazard Boundary Map; and/or
  - Flood Insurance Rate Map.
- If the community has been identified as flood-prone by FEMA, a copy of the community's most recently published map (including any letters of map amendments or revisions) should be obtained. The map will identify the community's special flood hazard areas.
- If the FEMA maps are not available, a determination of whether the project is located in a floodplain may be made by consulting other sources, such as:
  - U. S. Army Corps of Engineers - Hydrology, Hydraulics, and Coastal Team;
  - Local Soil Conservation Service District;
  - Floodplain Information Reports;
  - USGS Flood-prone Area;
  - Topographic Quadrangle maps; or
  - State and local maps and records of flooding.
- The responsible entity should request developers to provide an evaluation by an engineer or hydrologist for areas which are not covered by FEMA or these other sources. Further information may be available at the Kentucky Division of Water (DOW).
- Use floodplain maps to make this decision and record date in the ERR

✓ **Step Two: Early Public Review.** Executive Order (E.O.) 11988 includes requirements that the public be provided adequate information, opportunity for review and comment, and an accounting of the rationale for the proposed action affecting the floodplain. Involve the public in the decision making process as follows:

- **Publish a public notice in a non-legal section of the local newspaper** of general circulation to make the public aware of the intent. A sample notice is included in this manual as Attachment 2-11: Sample Floodplains and Wetlands Early Public Notice. **The Floodplains and Wetlands Early Public Notice must be published (it cannot be posted).**
- The notice must provide a complete description of the proposed action.

Attachment 2-11: Sample  
Floodplains and Wetlands Early  
Public Notice

- The notice must allow at least a 15-day comment period for public comments.
- ✓ **Step Three: Identify and Evaluate Alternate Locations.** Determine if there is a practical alternative. This determination requires the responsible entity to consider whether the base floodplain can be avoided:
  - Through alternative siting;
  - Through alternative action that performs the intended function but would minimize harm to/within the floodplain; or
  - By taking no action.

- ✓ **Step Four: Identify Impacts of Proposed Project.** Regardless of whether the location is located within a floodplain or outside a floodplain, both the direct and indirect potential impacts must be identified and reviewed.

If negative impacts are identified, methods must be developed to prevent potential harm as discussed in Step 5. The term **harm**, as used in this context, applies to lives, property, natural and beneficial floodplain values.

- ✓ **Step Five: Identify Methods to Restore and Preserve Potential Harm to Floodplains and Wetlands Area.** If the proposed project has identifiable impacts (as identified in Step 4), the floodplains and wetlands must be restored and preserved.
  - The concept of minimization applies to harm.
  - The concept of restoration and preservation applies only in floodplain values.

Methods to be used to perform these actions are discussed in Step 6.

- ✓ **Step Six: Re-evaluate Alternatives.** At this stage, the proposed project needs to be re-evaluated, taking into account the identified impacts, the steps necessary to minimize these impacts and the opportunities to restore and preserve floodplain values.
  - If the proposed project is determined to be no longer feasible, you should consider limiting the project to make non-floodplain sites practicable.
  - If the proposed project is outside the floodplain but has impacts that cannot be minimized, the recipient should consider whether the project can be modified or relocated in order to eliminate or reduce the identified impacts or, again, take no action.
  - If neither is acceptable, the alternative is no action.

The reevaluation should also include a provision for comparison of the relative adverse impacts associated with the proposed project located both in and out of the floodplain. The comparison should emphasize floodplain values and a site out of the floodplain should not be chosen if the overall harm is significantly greater than that associated with the floodplain site.

- ✓ **Step Seven: Publish the Floodplains and Wetlands Notice of Explanation.** If the re-evaluation results in the determination that the only practicable alternative is to locate the project in the floodplain, the grantee must **publish** the Floodplains and Wetlands Notice of Explanation in a local newspaper of general circulation (refer to the sample in Attachment 2-12).

Attachment 2-12: Sample Floodplains and Wetlands Notice of Explanation

- The Floodplains and Wetlands Notice of Explanation (described previously) may not be posted.

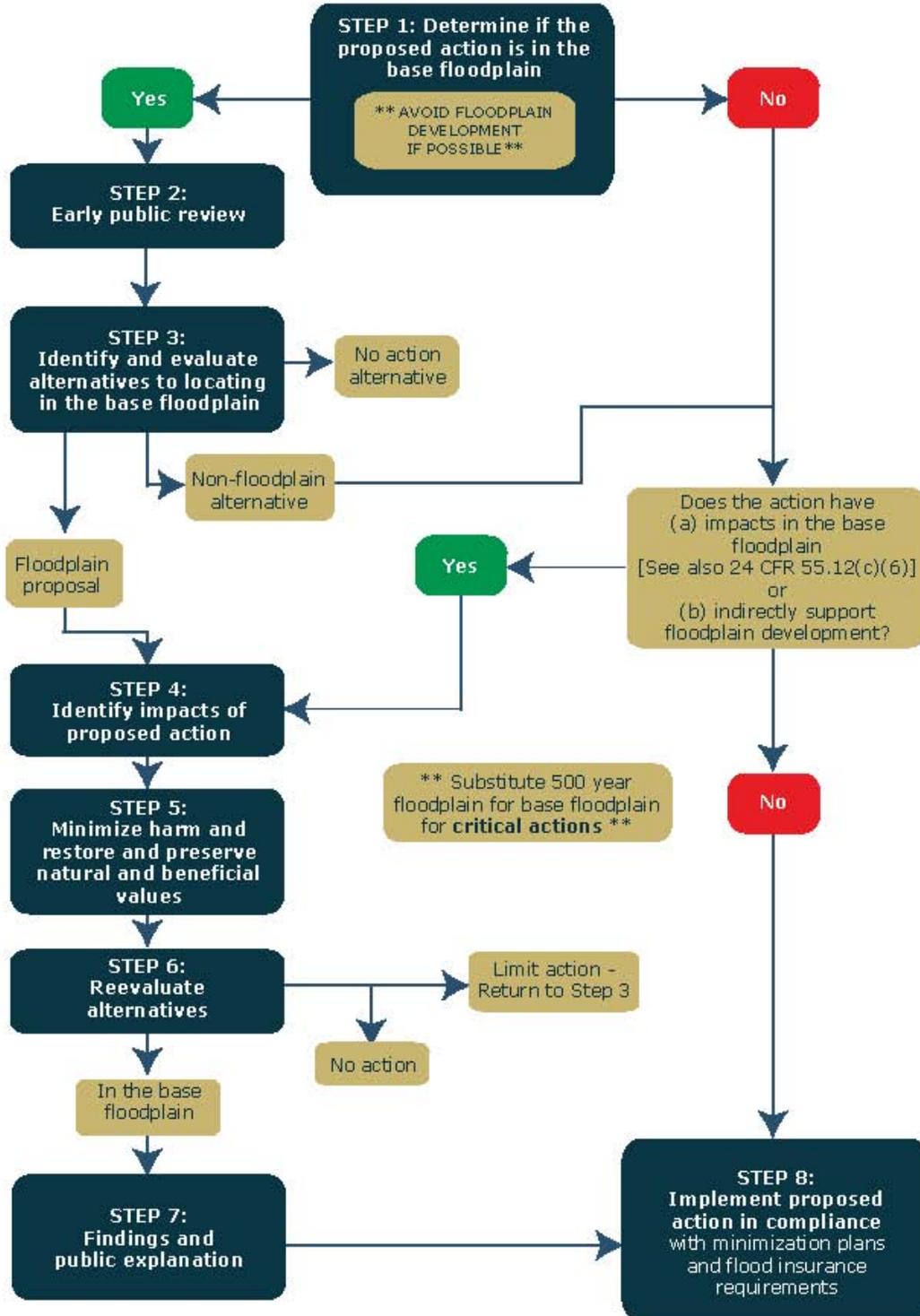
- It should be noted that when a project triggers the E.O. 11988 “Eight Step Process,” the Notice of Early Public Review should be published first and the minimum 15-day comment period elapsed *before* the grantee can publish the Floodplains and Wetlands Notice of Explanation.
- The Floodplains and Wetlands Notice of Explanation can be published simultaneously with the 24 CFR Part 58 required Combined/Concurrent Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) (Attachment 2-17).
- Any written comments received in response to the above required notice must be addressed and filed in the ERR.
- Document compliance with E.O. 11988/11990 by using the sample documentation memorandum provided (See Attachment 2-13: Sample Documentation Memorandum for Floodplains/Wetlands Eight Step Process.)
- File all documentation and responses relating to the above described procedures in the ERR.

Attachment 2-13: Sample Documentation Memorandum for Floodplains/Wetlands Eight Step Process

✓ **Step Eight: Implement the Proposed Project.** Implement the project with appropriate mitigation.

NOTE: If directional boring or drilling beneath a wetland is anticipated, please consult with DLG prior to undertaking the Eight-Step Process. HUD issued guidance in 2011 that exempts directional boring/drilling beneath wetlands from the Eight-Step Process *provided that* certain conditions are met.

## 8- Step Decision-Making Process for Executive Order 11988



## Circumstances Requiring NEPA Review

If a responsible entity determines that an activity or project identified under the above sections about categorical exclusions (both subject to and not subject to Part 58.5) because of extraordinary circumstances and conditions at or affecting the location of the activity or project may have a significant environmental effect, it shall comply with all the requirements of 24 CFR Part 58.35(c).

24 CFR Part 58.35(c)

The responsible entity is responsible for determining that a given activity qualifies under the definitions for exclusion and/or expedited procedures. 24 CFR Part 58.2(a)(3) an activity's clearance level may be elevated if it exhibits extraordinary circumstances that affect its impact on the environment.

24 CFR Part 58.2(a)(3)

Such circumstances are defined as actions that are unique and without precedent; are substantially similar to those which would require an Environmental Assessment (EA) or Environmental Impact Statement (EIS); are unlikely to alter HUD policy or HUD mandates; or due to unusual physical conditions on the site or in the vicinity, have a potential for a significant impact on the environment or in which the environment could have a significant impact on users of the facility.

The environmental review record must contain a well organized written record of the process and determinations made per 24 CFR Part 58.38.

## Activities Requiring an Environmental Assessment

Activities which are neither exempt nor categorically excluded (under either category) will require an environmental assessment documenting compliance with NEPA and with the environmental requirements of other Federal laws.

24 CFR 58.36 and 24 CFR 58.5

The responsible entity must be aware that if a project consists of several activities that by themselves would fall under various levels as outlined above, the responsible entity must conduct an environmental assessment on the entire project.

The responsible entity must take the following steps to complete environmental requirements for projects requiring an environmental assessment:

- ✓ Follow the instructions for categorically excluded projects subject to 24 CFR Part 58.5 to complete the statutory checklist, historic preservation and floodplain requirements.
- ✓ The floodplain requirements do not apply if the project is not located within a floodplain.
- ✓ Complete the Format II Environmental Assessment form. The responsible entity must ensure that reliable documentation sources are cited for every item on this assessment checklist (see Attachments 2-14 and 2-15).
- ✓ The final step in the process involves making a determination as to whether the project will or will not have a significant impact on the environment. This can be done once the review has been completed and all comments have been addressed appropriately. The Responsible Entity must select one of the following two findings/determinations:

Attachment 2-14: Format II:  
Environmental Assessment  
Attachment 2-15: Format II:  
Environmental Assessment Users  
Guide

- ✓ The project is not an action that significantly affects the quality of the human environment and, therefore, does not require the preparation of an environmental impact statement; or
- ✓ The project is an action that significantly affects the quality of the human environment and, therefore, requires the preparation of an environmental impact statement. Both the finding and the environmental assessment must be signed by your environmental certifying officer and included in the ERR. A sample checklist for completing the environmental assessment is included as Attachment 2-16.

Attachment 2-16: Environmental Assessment Process/File Checklist

### *No Environmental Impact Statement Required*

In most instances, the environmental assessment will result in a finding that the project is not an action that significantly affects the quality of the human environment and, therefore, does not require an environmental impact statement. If this is the case, the responsible entity must complete the following:

- ✓ Provide public notice called the Combined/Concurrent Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) and Request Release of Funds from the appropriate funding agency. A sample notice is provided as Attachment 2-17.
  - The FONSI and NOI/RROF must **be published in a newspaper of general circulation.**
  - The grantee must retain the “tear sheet” from the newspaper evidencing that the notice was published and on what date.
    - The notice must also be distributed to interested parties, local news media, appropriate local/state/Federal agencies, regional EPA and Kentucky HUD. (See Attachment 2-8: Sample Public Notice Distribution List for a more complete listing of potentially interested parties.)
    - The notice must also be posted in public buildings within the project area.
- ✓ It is very important to remember this requires two separate 15-day review periods. A 15-day period for comment to the city/county and, after that period, a 15-day period for comment to the appropriate funding agency. The appropriate funding agency 15-day comment period does not commence until the date the appropriate funding agency receives the notice, or the date specified in the published notice, whichever is later. Call or email the appropriate funding agency to verify dates on the combined/concurrent notice before publishing.
  - Any written comments received in response to these notices must be addressed and filed in the ERR. The persons that provided the comments should be added to the distribution list of interested parties.
  - The environmental certification, request for approval of evidentiary materials and release of funds forms must be submitted to the appropriate funding agency at least 16 days after publishing the combined/concurrent notice.

Attachment 2-17: Sample Combined/Concurrent Notice to Public of No Significant Impact on the Environment and Notice to Public of Request for Release of Funds of Funds

Attachment 2-8: Sample Public Notice Distribution List

- Check the ERR. Be sure this file contains all items listed on the ERR Checklist (Attachment 2-18).

Attachment 2-18: Sample Environmental Review Record Checklist

## Environmental Impact Statement

An Environmental Impact Statement (EIS) is required when a project is determined to have a potentially significant impact on the environment. Consult with DLG if an EIS is anticipated.

24 CFR 58.37

## Section 2-E. Re-Evaluation of Previously Cleared Projects

24 CFR Part 58.36

Sometimes, projects are revised, delayed or otherwise changed such that a re-evaluation of the environmental review is necessary. The purpose of the responsible entity's re-evaluation is to determine if the original findings are still valid. If the original findings are still valid, but the data and conditions upon which they were based have changed, the responsible entity must amend the original findings and update their ERR by including this re-evaluation and its determination based on its findings. A sample determination is provided as Attachment 2-19. It has to document the following:

24 CFR 58.47

Attachment 2-19: Sample Re-Evaluation Determination

- ✓ Reference to the previous environmental review record.
- ✓ Description of both old and new projects activities and maps delineating both old and new project areas.
- ✓ Determination if FONSI is still valid.
- ✓ Signature of the certifying officer and date.

Place the written statement in the ERR and send a copy to the appropriate funding agency with the Request for Release of Funds (RROF).

If the responsible entity determines that the original findings are no longer valid, it must prepare an EA or an EIS if the evaluation indicates potentially significant impacts.

## Section 2-F. Environmental Reviews Prepared by or for Other Federal Agencies

DLG will accept environmental reviews prepared by or for other Federal funding agencies provided that the ERR and associated public notifications meet or exceed the requirements established by 24 CFR Part 58 and are NEPA-like reviews. Contact DLG for further guidance.



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## **Attachments**

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- ✓ Attachment 2-1: Sample Finding of Exemption
- ✓ Attachment 2-2: Sample Finding of Categorical Exclusion Not Subject to 24 CFR Part 58.5
- ✓ Attachment 2-3: Sample Finding of Categorical Exclusion Subject to 24 CFR Part 58.5
- ✓ Attachment 2-4: Statutory Checklist for Categorically Excluded Activities/Projects
- ✓ Attachment 2-5: Sample Historical Preservation Notice
- ✓ Attachment 2-6: Sample Tribal Consultation Letter
- ✓ Attachment 2-7: Sample Notice of Intent to Request a Release of Funds
- ✓ Attachment 2-8: Sample Public Notice Distribution List
- ✓ Attachment 2-9: Sample Environmental Certification
- ✓ Attachment 2-10: Sample Environmental Review Status
- ✓ Attachment 2-11: Sample Flood Plains and Wetlands Early Public Notice
- ✓ Attachment 2-12: Sample Flood Plains and Wetlands Notice of Explanation
- ✓ Attachment 2-13: Sample Documentation Memorandum for Floodplain/Wetlands Eight Step Process
- ✓ Attachment 2-14: Sample Format II: Environmental Assessment
- ✓ Attachment 2-15: Format II: Environmental Assessment - Users Guide
- ✓ Attachment 2-16: Environmental Assessment Process/File Checklist
- ✓ Attachment 2-17: Sample Combined/Concurrent Notice Finding of No Significant Impact on the Environment (FONSI) and Notice of Intent to Request for Release of Funds (NOI/RROF)
- ✓ Attachment 2-18: Sample Environmental Review Record Checklist
- ✓ Attachment 2-19: Sample Re-evaluation Determination

In the attachments the term “responsible party” may be used in place of “grantee.” The term “funding agency” also may be used in place of “DLG” or “CDBG.”



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**Attachment 2-1:  
Sample Finding of Exemption**

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FINDING OF EXEMPTION  
(Sample)

*A copy of this form must be submitted to DLG before beginning work.*

It is the finding of the City of Somewhere, Kentucky, that the following activities proposed in its 200\_\_ CDBG application are exempt from environmental review requirements of NEPA and the environmental requirements of related federal authorities, because the activities are defined as exempt activities in 24 CFR Part 58.34:

- Environmental studies
- Administrative costs
- Continuation of public service grants
- Planning

---

Certifying Official

Date



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**Attachment 2-2:  
Sample Finding of Categorical Exclusion  
Not Subject to 24 CFR Part 58.5**

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**FINDING OF CATEGORICAL EXCLUSION NOT SUBJECT TO 24  
CFR PART 58.5 (Sample)**

*A copy of this form must be submitted to DLG before beginning work.*

It is the finding of the City of Somewhere, Kentucky, that the activities proposed in its 20\_\_ CDBG application consist solely of activities categorically excluded from the environmental review requirements of NEPA and that these activities are not subject to 24 CFR Part 58.5 and related Federal laws and regulations. The activities and the related authority for exclusion are listed below:

1. Purchase five belt presses.

Authority – 58.35(b)(4): equipment purchase.

2. Operating expenses and similar costs not associated with construction.

Authority – 58.35(b)(4)

Compliance with only applicable requirements under CFR Part 58.6 is indicated on the attached summary.

---

Certifying Official

Date



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**Attachment 2-3:  
Sample Finding of Categorical Exclusion**

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FINDING OF CATEGORICAL EXCLUSION SUBJECT TO 24 CFR  
PART 58.5 (Sample)

*A copy of this form must be submitted to DLG before beginning work.*

It is the finding of the City of Somewhere, Kentucky, that the activities proposed in its 200\_\_\_\_\_ CDBG application consist solely of activities categorically excluded from the environmental review requirements of NEPA and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the related authority for exclusion are listed below:

1. Valley Street Reconstruction – The street will not be widened or expanded. It will be reconstructed and repaved with concrete; sidewalks will be installed.

Authority – 58.35(a)(1): reconstruction of public facilities meeting the specified requirements.

2. Local Residential Rehabilitation Grant Program – Rehabilitation of 25 owner-occupied, single-family homes.

Authority – 58.35(a)(4): rehabilitation of building and other improvements meeting the requirements specified.

Compliance with the environmental requirements of other related federal authorities is indicated on the attached statutory checklist.

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Certifying Official

Date



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**Attachment 2-4.**  
**Statutory Checklist for Categorically Excluded Activities/Projects**

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## Sample Statutory Checklist for Categorically Excluded Activities/Projects

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency. [24CFR §58.5]

Use this worksheet only for projects that are **Categorically Excluded** per 24 CFR § 58.35(a).

**NOTE:** Compliance with the laws and statutes listed at 24 CFR §58.6 must also be documented.

**PROJECT NAME** and **DESCRIPTION** - Include all contemplated actions that logically are either geographically or functionally part of the project:

---

This proposal is determined to be Categorically Excluded according to:  
**(Cite Section(s))** \_\_\_\_\_

**DIRECTIONS** - Write “A” in the Status Column when the proposal, by its scope and nature, does not affect the resources under consideration; or write “B” if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

Factors	A/B	Determinations and Compliance Documentation
<b>Historic Preservation</b> [36 CFR 800]		
<b>Floodplain Management</b> [24 CFR 55, Executive Order 11988]		
<b>Wetlands Protection</b> [Executive Order 11990]		
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]		
<b>Sole Source Aquifers</b> [40 CFR 149]		
<b>Endangered Species Act</b> [50 CFR 402]		
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]		
<b>Air Quality</b> [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]		

<b>Farmland Protection Policy Act</b> [7 CFR 658]		
<b>Environmental Justice</b> [Executive Order 12898]		

<b>Environmental Standards</b>	<b>A/B</b>	<b>Determinations and Compliance Documentation</b>
<b>Noise Abatement and Control</b> [24 CFR 51 B]		
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]		
<b>Siting of HUD-Assisted Projects near Hazardous Operations</b> [24 CFR 51 C]		
<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]		

**Permits, Licences, Forms of Compliance Under other Laws**  
(Federal, State, and Local Laws)

<b>Other areas of statutory &amp; regulatory compliance applicable to project.</b>	<b>A/B</b>	<b>Determinations and Compliance Documentation</b>
<b>Flood Insurance</b>		
<b>Coastal Barriers</b>		
<b>Airport Clear Zone Notification</b>		
<b>Water Quality</b>		
<b>Solid Waste Disposal</b>		
<b>Fish &amp; Wildlife</b>		
<b>State or Local Statutes</b> (to be added by Local Community)		





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**Attachment 2-5:  
Sample Historical Preservation Notice**

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## **SAMPLE HISTORIC PRESERVATION NOTICE**

Date

Kentucky Heritage Council  
Education and Humanities Cabinet  
300 Washington Street  
Frankfort, Kentucky 40601

Dear \_\_\_\_\_:

RE: Consultation under 36 CFR Part 800.4(a)  
Community Development Block Grant Program  
Grant Agreement #B-9\_\_-DC-21-0001(\_\_ \_\_)  
Somewhere, Kentucky 00153

The City of Somewhere is applying for a Community Development Block Grant (CDBG) of \$750,000 from the [Kentucky Department for Local Government \(DLG\)](#). This grant will provide: partial funding of a 500,000 gallon elevated water storage facility in an abandoned railroad right-of-way, reconstruction of the 1100-1500 blocks of Main Street and rehabilitation of 22 single-family dwelling units in the South Side Target Area.

In accord with the provisions of 36 CFR Part 800.4(a) and the State of Kentucky, the City has conducted a historical and cultural survey, reviewed the published lists of the National Register of Historical Places from January 1974 to present, consulted with Verle Clay at the University of Kentucky's Department of Anthropology, reviewed the most recent publication of your office listing State Historic Places and consulted with Mr. James Best, President of the Somewhere Preservation Society.

To the best of our knowledge, the site of the elevated water storage facility is of no historic significance. The grading alone from 1910-12 during the construction of the railroad would have destroyed any subsurface remains that existed. Dr. Clay stated the site was devoid of archaeological interest.

The 22 units to be rehabilitated are single level, two and three bedroom frame units constructed between 1920 and 1930. As you can see from the representative photographs attached, these units are of little or no architectural interest and Mr. Best of the local society concurs that they are of no historic or cultural significance.

The street improvements run immediately in front of Founders Hall. Founders Hall is included on the Somewhere Preservation Society's list of historic places. The improvements will include street widening and

reconstruction with concrete curbs and gutters. All improvements will take place within existing rights-of-way. There will be no “effects” as defined in Section 800.3(b) of Procedures for the Protection of Historic and Cultural Properties. There will, however, be short-term construction noise and dust and impaired access to the property for a week. The Preservation Society is in favor of the project and has written us in support. We are attaching a copy of their letter for your information.

If you disagree with our finding of no effect and have additional information we should consider, or have any questions, please do not hesitate to call. If we do not hear from you within 30 calendar days, we will assume you agree with our determination and will proceed with the project.

Sincerely,

Environmental Certifying Officer  
Name and Title

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**Attachment 2-6:  
Sample Tribal Consultation Letter**

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**SAMPLE  
TRIBAL CONSULTATION LETTER**

Date

«AddressBlock»

RE: Name and address of project & Name of HUD Program

«GreetingLine»

The [name of HUD grantee] is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the [name of HUD grantee] has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

[Name of HUD grantee] will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project consists of [insert project description]. More information on the Section 106 review process is available at [http://www.comcon.org/sites/default/files/historic\\_preservation/](http://www.comcon.org/sites/default/files/historic_preservation/) and HUD's process for tribal consultation under Section 106 is described in a Notice available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/atec](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/atec).

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response? If you do not wish to consult on this project, can you please inform us? We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Name, Title

cc: THPO



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**Attachment 2-+:**  
**Sample Notice of Intent to Request a Release of Funds**

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**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:

On or about (date) \_\_\_\_\_, the above named (city/county) \_\_\_\_\_ will request the Department of Local Government to release Federal funds under Title 1 of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

\_\_\_\_\_  
(Project Title or Name)

\_\_\_\_\_  
(Purpose or Nature of the Project)

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

\_\_\_\_\_  
(Census Tract(s))

\_\_\_\_\_  
Estimated project cost

An Environmental Review Record respecting the within project has been made by the above named (city/county) \_\_\_\_\_ 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 above address and is available for public examination and copying, upon request, at Room \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_.

(If applicable) No further environmental review of such project is proposed to be conducted prior to the request for release of federal funds.

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration by the (city/county) 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 and the (city/county) \_\_\_\_\_ will not request the release of Federal funds or take any administrative



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(Address)

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\* Date of Publication.

\*\* No Less than 7 days after date of this publication, i.e., 8 days.

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



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**Attachment 2-, :**  
**Sample Public Notice Distribution List**

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**NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS**  
**DISTRIBUTION LIST (Sample)**

The Notice of Intent to Request Release of Funds and/or the Concurrent Notice is to be sent to the following organizations and individuals:

Local Newspaper

Area Development District

Local Special Interest Groups

Tribal Councils (if applicable)

Interested persons/organizations

Environmental Protection Agency  
Kentucky State Section  
Water Management Division  
Region IV  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303-3104

Kentucky Department of Local Government  
1024 Capital Center Drive, Suite 340  
Frankfort, Kentucky 40601

State Historic Preservation Officer  
Kentucky Heritage Council  
Education and Humanities Cabinet  
300 Washington Street  
Frankfort, Kentucky 40601

U.S. Department of Housing and Urban Development  
Kentucky State Office  
Gene Snyder Courthouse  
601 W. Broadway, Room 110  
Louisville, KY 40202

For Floodplain advertisements, also send a copy to the appropriate Army Corp of Engineers Office.



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**Attachment 2-- :  
Sample Environmental Certification**

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**ENVIRONMENTAL CERTIFICATION**

With reference to the above projects, I, the undersigned officer of the grantee, certify:

That the grantee has at least seven (7) days prior to submitting this request for release of funds and certification, published and disseminated in the manner prescribed by 24 CFR 58.43, a notice to the public (a copy of which is attached) in accordance with 24 CFR 58.70;

That the applicant has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project named above; that the applicant has complied with the National Environmental Policy Act of 1969; that the applicant has complied with environmental procedures, permit requirements and the statutory obligations of the laws cited in 24 CFR 58.5(a)(2); and that the applicant has taken into account the environmental criteria standards, permit requirements and other obligations applicable to the project under the other related laws and authorities cited under such laws and in 24 CFR 58.5;

That the level of environmental clearance carried out by the applicant in connection with the said project ( ) did (X) did not require the preparation and dissemination of an environmental impact statement;

That the dates upon which all statutory and regulatory time periods for review, comment or other response or action to this clearance began and ended as indicated below; that all such dates which are applicable to this aforesaid clearance are indicated below; and that the expiration of each of the time periods indicated below, applicant is in compliance with the requirement of 24 CFR Part 58:

Item	Publication MO/DAY/YR	Commence MO/DAY/YR	Expire MO/DAY/YR
Notice of Finding of No Significant Impact (FONSI): Publication Date			
Same: Comment period			
Notice of Intent to Request Release of Funds (NOI/RROF): Publication Date			
Concurrent Notice (FONSI & NOI/RROF): Publication Date			
Same: Local Comment Period			
State Decision Period			
Notice of Intent to Prepare EIS: Publication			
Draft EIS: Comment Period			
Same: 90-day period (NEPA Regs)			
Final EIS: 30-day period (NEPA Regs)			
Other (Specify)			
Other (Specify)			

That I am authorized to, and do, consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and each provision of law specified in 24 CFR 58.5 insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action as to environmental issues, preparation and circulation of draft, final and supplemental environmental Impact statements, and assumption of lead agency or cooperation agency responsible for preparation of such statements on behalf of Federal agencies including HUD, when these agencies consent to such assumption;

That I am authorized to consent to, and do, accept on behalf of the applicant and personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my official capacity as certifying officer of the applicant.

Applicant Name	Signature, Title and Address of Certifying Officer of Applicant
Contract #:	Name, Environmental Certifying Officer
	City Hall, (City), Kentucky (Zip)

Warning – Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to this certification. Title 18 provides, among other things, that whoever knowingly makes or uses a document or writing containing any false, fictitious or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



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**Attachment 2-%:**  
**Sample Environmental Review Status**

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ENVIRONMENT REVIEW STATUS (Sample)

Exempt

Categorically Excluded

Assessment



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**Attachment 2-1%**  
**Sample Flood Plains and Wetlands Early Public Notice**

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**Sample Floodplains and Wetlands Early Public Notice  
Activity in a 100-Year Floodplain**

**[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 **(the Responsible Entity)** under **24 CFR Part 58** has conducted an evaluation as required by **[Executive Order 11988 and/or 11990]**, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its project in the floodplain and wetland will have on the human environment for **[Project Name]** under **[grant number]**. **[Describe the project, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]**. The proposed project is located **[at addresses]** in **[Name of City]**, **[Name of County]**.

Written comments must be received by **[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 16<sup>th</sup> day after the publication]**: **[Responsible Entity]**, **[Address]** and **[phone number]**, Attention: **[Name of Certifying Officer]**, **[Title]**, during the hours of **(business hours)**. Comments may also be submitted via email at **[email address]**.

**Date:**

**NOTE:** There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 about floodplains can facilitate and enhance Federal efforts to reduce the risks 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 floodplains, it must inform those who may be put at greater or continued risk.



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**Attachment 2-1&  
Sample Floodplain and Wetlands Notice of Explanation**

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## Sample Floodplain and Wetland Notice of Explanation Activity in a 100-Year Floodplain

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

This is to give notice that the [Responsible Entity] under 24 CFR Part 58 has conducted an evaluation as required by [Executive Order 11988 and/or 11990], in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its project in the floodplain and wetland will have on the human environment for [Project Name] under [grant contract number]. The proposed project is located [at address] in [Name of City], [Name of County]. [Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values].

[Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: [and reasons for non-selection, all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values] [Cite the date of FEMA map] [Acknowledge compliance with state and local floodplain protection procedures]

[Responsible Entity] has re-evaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of [Executive Order 11988 and/or 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. This activity will have no significant impact on the environment for the following reasons:

[Give reasons why there is no significant impact]

Written comments must be received by the [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 16<sup>th</sup> day after the publication]: [Responsible Entity], [Address] and [phone number], Attention: [Name of Certifying Officer], [Title], during the hours of (business hours). Comments may also be submitted via email at [email address].

Date:

**NOTE:** There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 about floodplains can facilitate and enhance Federal efforts to reduce the risks 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 floodplains, it must inform those who may be put at greater or continued risk.



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**Attachment 2-1' :  
Sample Documentation Memorandum for  
Floodplains/Wetlands Eight Step Process**

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**DOCUMENTATION MEMORANDUM FOR FLOODPLAINS AND  
WETLANDS EIGHT STEP PROCESS**  
**(Sample)**

Memorandum to File

From: James Clifford, County Judge/Executive

Date:

Re: Compliance with EO 11988/11990  
Shetfall Landing S/D 85-35-LAC  
Phases I, II and III  
Alpha County, Kentucky

The following constitutes compliance with the eight step process to document compliance with EO 11988.

Step 1: Shetfall Landing S/D is located on Wilmington Island in Alpha County, Kentucky. The site is located in a 100 year floodplain, Federal Insurance Rate Map, Panel 125 (Community Panel Number 130030 0125A) dated August 1, 1980 for Alpha County, Kentucky.

According to the Fish and Wildlife overlays, there are no wetlands involved. Therefore, EO 11990 compliance ends with Step 1.

Step 2: A copy of the Early Public Notice is attached and has been published in a local newspaper.

Step 3: This project is being considered because there are no practical alternatives. Sites properly zoned that are outside the 100 year floodplain are almost nonexistent in this part of Alpha County. There is a housing need in this portion of the county. The alternative of not approving the project would deny area residents housing for which a need has been established.

Step 4: Two major areas of concern were evaluated as to the impact on the proposed action. (1) The floodplain upon the proposal was evaluated as to impact on lives and property. Local ordinance enacted to participate in FEMA's flood insurance program will be complied with. Also, flood insurance will be required to protect property. (2) The impact of the proposed action upon the floodplain was evaluated. By observing local sedimentation and erosion control ordinances, there should be little impact upon the floodplain areas.

- Step 5: Every action will be taken to minimize impacts to the floodplain. Compliance with local, state and federal standards will be made. Planned development for residential reuse with adherence to floodplain conservation ordinances should in the long run benefit the flood plain much more than the unregulated hodge-podge case-by-case development.
- Step 6: After again assessing the project as proposed, the benefits of providing standard, affordable housing to the area appear to outweigh any foreseeable negative impacts.
- Step 7: A public notice has been published in a local newspaper explaining this action and is attached.
- Step 8: The proposed action can now be implemented.

#### Attachments

---

**Attachment 2-1( :  
Sample Format II: Environmental Assessment**

---



AN ENVIRONMENTAL ASSESSMENT

FOR THE

\_\_\_\_\_ PROJECT

BY

(CITY OR COUNTY)

\_\_\_\_\_, \_\_\_\_\_  
(Date) (Year)

PREPARED BY

\_\_\_\_\_, KENTUCKY \_\_\_\_\_  
(City) (Zip Code)

# ENVIRONMENTAL REVIEW RECORD

## SAMPLE TABLE OF CONTENTS

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--------------------------------------	----

LINK TO RD FORM 1940-20 <http://rdinit.usa.gov/regs/forms/1940-20pdf>

FINDING OF EXEMPTION

It is the finding of the City of \_\_\_\_\_ that the following activities proposed in this project are exempt from environmental review requirements of NEPA and the environmental requirements of related federal authorities because of the activities being defined as exempt activities in Section 58.34 (a)(3).

1. Administration Costs
2. Planning
3. Historic, Archaeological or Environmental Studies
4. Appraisals, Title Search and Property Surveys
5. Architectural and Engineering Cost

\_\_\_\_\_  
Prepared By

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

FINDING OF CATEGORICAL EXCLUSION

It is the finding of the City of \_\_\_\_\_ that the following activities proposed in this project are categorically excluded from environmental review requirements of NEPA because of the activities being defined as categorically excluded in activities in Section 58.35(a)(1) and 58.34(a)(10):

\_\_\_\_\_  
Date

\_\_\_\_\_  
ENVIRONMENTAL CERTIFYING OFFICER

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Name and Title]  
Prepared By

## **Activities Requiring an Environmental Assessment**

It is the finding of the \_\_\_\_\_ that the activities proposed in this project application consist of activities which require and Environmental Assessment as stated in 24 CFR 58.36. These activities are listed below.

**Acquisition** – acquire water line easements

**Water Lines** – construct 34 miles of 6” water lines in scattered areas of the County

**Water Storage Tank** – construct a 750,000 Gallon water storage tank and one pump

**Contingencies** – provide funds for unforeseen construction expenses

**Environmental Certifying Officer**

# PROJECT ABSTRACT

---

**FORMAT II**

*Name of Grantee*

**ENVIRONMENTAL ASSESSMENT**

\_\_\_\_\_

*From: \_\_\_\_\_ To: \_\_\_\_\_*

*Application/Grant Number*

\_\_\_\_\_

- Original**
  - Revisions**
  - Amendments**
- 

**Name and Title of Certifying Officer:**

\_\_\_\_\_

City or County: \_\_\_\_\_

---

**Project Name:**

\_\_\_\_\_

Location of Physical Development(s): \_\_\_\_\_

---

**Lead Agency:**

City or County: \_\_\_\_\_

Address: \_\_\_\_\_

Project Representative: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_

Project Information: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

---

**Project Summary Description:**

**CDBG Funds**

**Other**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PROJECT DATA**  
**PART I**  
**Description of the Proposed Action**

**ENVIRONMENTAL  
ASSESSMENT**

\_\_\_\_\_ Project

**PURPOSE OF THE PROJECT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATUS OF THE PROJECT:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROJECT AND AREA DESCRIPTION:** Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding.  
[24 CFR 58.32, 40 CFR 1508.25]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROJECT DATA**  
**PART II**  
**Description of the Affected Environment**

**ENVIRONMENTAL  
ASSESSMENT**

\_\_\_\_\_ Project

**Existing Conditions and Trends:** Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROJECT AND AREA MAPS AND PLANS:**



**U.S. Department of Housing  
and Urban Development**

# **Environmental Assessment**

Recommended format for  
CDBG-, KIA-, ARC- and EDA-funded projects

Project Identification: \_\_\_\_\_

Responsible Entity: \_\_\_\_\_

Month/Year: \_\_\_\_\_

## Statutory Checklist

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Make a determination of compliance or consistency. [24CFR §58.5] Record/list any conditions or mitigation measures required.

<b>Factors &amp; Standards</b>	<b>Determination and Compliance Documentation</b>
<b>Historic Preservation</b> [36 CFR 800]	
<b>Floodplain Management</b> [24 CFR 55, Executive Order 11988]	
<b>Wetlands Protection</b> [Executive Order 11990]	
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]	
<b>Sole Source Aquifers</b> [40 CFR 149]	
<b>Endangered Species Act</b> [50 CFR 402]	
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]	
<b>Air Quality</b> [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	
<b>Farmland Protection Policy Act</b> [7 CFR 658]	
<b>Environmental Justice</b> [Executive Order 12898]	
<b>Noise Abatement and Control</b> [24 CFR 51 B]	
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]	
<b>Siting of HUD-Assisted Projects near Hazardous Operations</b> [24 CFR 51 C]	

<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]	
---	--

**Permits, Licenses, Forms of Compliance under other Laws**  
(Federal, State and Local Laws)

<b>Other Areas of Statutory and Regulatory Compliance Applicable to Project</b>	<b>Determinations and Compliance Documentation</b>
<b>Flood Insurance</b>	
<b>Coastal Barriers</b>	
<b>Airport Clear Zone] Notification</b>	
<b>Water Quality</b>	
<b>Solid Waste Disposal</b>	
<b>Fish &amp; Wildlife</b>	
<b>State or Local Statutes</b> (to be added by Local Community)	

\_\_\_\_\_  
Prepared By

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) – No impact anticipated; (2) – Potentially beneficial; (3) – Potentially adverse; (4) – Requires mitigation; (5) – Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning		
Compatibility and Urban Impact		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances including Site Safety		
Energy Consumption		

<b>Noise</b> – Contribution to Community Noise Levels		
<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels		
<b>Environmental Design</b> Visual Quality - Coherence, Diversity, Compatible Use and Scale		
<b>Environmental Design</b> Historic, Cultural, & Archaeological Resources		

Socioeconomic	Code	Source or Documentation
Demographic Character Changes		
Displacement		
Employment and Income Patterns		

Community Facilities and Services	Code	Source or Documentation
Educational Facilities		
Commercial Facilities		
Health Care		

Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety – Police		
– Fire		
– Emergency Medical		
Open Space and Recreation – Open Space		
– Recreation		
– Cultural Facilities		
Transportation		
<b>Natural Features</b>	<b>Code</b>	<b>Source or Documentation</b>
Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		
<b>Other Factors</b>	<b>Code</b>	<b>Source or Documentation</b>
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]		
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]		
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]		
Other Factors		

**NOTE:** The Responsible Entity must additionally document compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]

**ENVIRONMENTAL ASSESSMENT  
CHECKLIST**

\_\_\_\_\_ Project

---

**Summary of Findings and Conclusions**

---

**Summary of Environmental Conditions:**

---

**Project Modifications and Alternatives Considered:** [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

---

**ENVIRONMENTAL ASSESSMENT  
CHECKLIST**

\_\_\_\_\_ Project

---

**List Additional Studies Performed (Attach Study or Summary)**

---

**Mitigation Measures Needed:** [24 CFR 58.40(d), 40 CFR 1508.20] (Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

---

**PROJECT DATA  
PART III  
Alternatives to the Proposed Action**

**ENVIRONMENTAL  
ASSESSMENT**

\_\_\_\_\_ Project

---

**Alternatives Considered**

**Alternative 1:**

**Alternative 2:**

**Alternative 3:**

**Comparative Analysis:**

**PROJECT DATA**  
**PART IV**  
**Probable Impacts of the Proposed Action on the Environment**

**ENVIRONMENTAL  
ASSESSMENT CHECKLIST**

Page 1

**Project Name and Identification No.** \_\_\_\_\_  
\_\_\_\_\_

1. Is project in compliance with applicable laws and regulations?  Yes  No
2. Is an EIA required?  Yes  No
3. A Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment.  Yes  No

Prepared by

Title

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Mayor or County Judge)

Date

\_\_\_\_\_

**ENVIRONMENTAL  
ASSESSMENT CHECKLIST**

Page 2

Project Name and Identification No. \_\_\_\_\_  
\_\_\_\_\_

---

**Environmental Review Finding**

**On the basis of the environmental assessment of the above project I have made the following finding:**

	<b>A FINDING OF NO SIGNIFICANT IMPACT</b>
--	---

I find that this project is not a major federal action which I will have a significant effect on the human environment and that a request to HUD for the release of project funds will not require an Environmental Impact Statement.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Signature, Title and Address of Certifying Officer***

	<b>A FINDING OF SIGNIFICANT IMPACT</b>
--	--

I find that this project is a major federal action which may or will have a significant effect on the human environment and that a request to HUD for the release of project funds will require an Environmental Impact Statement.

## **ENVIRONMENTAL ASSESSMENT CHECKLIST**

(For Project NOT requiring the preparation of an Environmental Impact Statement)

1. Project description data provided including street address, if applicable?
2. Existing environmental conditions and trends described?
3. A-95 review requirements met?
4. Was project compared with applicable plans?
5. Was project compared with applicable standards?
6. Were physical factors affecting the project assessed?
7. Were service delivery factors affecting the project assessed?
8. Were project impacts on physical factors assessed?
9. Were project impacts on service delivery factors assessed?
10. Were project impacts on special factors (particularly historic properties) assessed?
11. Were both beneficial and adverse environmental impacts identified?
12. Were mitigating measures for adverse project impacts identified and discussed?
13. Were project alternatives identified (including the no action alternative) and reasons cited for rejecting alternatives?
14. Were conditions and safeguards for the project identified and discussed?
15. Notice of Finding of No Significant Effect on the Environment published?
16. Notice of Intent to Request Release of Funds published?
17. Request for Approval of Evidentiary Materials and Release of Funds made?

**PART IV**  
**PROBABLE IMPACTS OF THE**  
**PROPOSED ACTION ON THE ENVIRONMENT**

**SAMPLE NOTES**

1. The project area is not located in the 100-year floodplain zone. (See Exhibit 2)
2. The project is in an existing downtown area and does not have any characteristics of a wetland. Source: Washington County District Conservationist.
3. The Commonwealth of Kentucky is not located within a Coastal Zone. This was confirmed by telephone conversation with the Kentucky Department of Fish and Wildlife.
4. There is no local Aquifer available. The local water supply comes from \_\_\_\_\_. The City of \_\_\_\_\_ Water Treatment Plant is adequate to accommodate this project. Source: City of \_\_\_\_\_.
5. There is one candidate for a threatened or endangered species in the Washington County area. This candidate is the Rafinesque's Big Eared Bat (*Plecotus rafinesquii*). Source KY Dept of Fish and Wildlife Resource. (See Exhibit 3)
6. There are no Wild Rivers in the project area. (See Exhibits 4)
7. The project is located within the City of Jefferson in Washington County that has achieved the ambient air quality standards for primary and secondary total suspended particles as well as for ozone and sulfur dioxide. Temporary construction traffic will not affect the air quality. Source: KY Ambient Air Quality Annual Report. (See Exhibit 5)
8. The proposed project is located within the downtown area and will not affect farmlands in any fashion. Source: District Conservationist, U.S. Department of Natural Resources Conservation. (See Exhibit 7)
9. The project is not located within 3,000 feet of any airport or in the vicinity of any other noise producing entity. Noise levels will increase in the area during the demolition and construction period, but will return to normal when the project is complete.
10. The nearest major airport is located in Adams, Kentucky, approximately 45 miles west of Jefferson. There is a small airport in the county, but the project area is not in a clear or flyover zone. City of Jefferson.
11. There are no thermal or explosive hazards in the vicinity of the project area. Source: City of Jefferson, Madison Monroe & Associates Field Visit.
12. Water is supplied by the Jefferson Water and Sewer Service. This system is adequate to accommodate this project. Plumbing permits will be issued by the Washington County Health Department is required. Source: City of Jefferson.
13. The solid waste will be taken to the Local Sanitation Landfill located in Washington County, Kentucky, Permit #103.400007. All transportation and demolition will take place in accordance with the County Solid Waste Plan. Source: City of Jefferson, Madison Monroe and Associates
14. The project does not serve as an existing habitat for existing Kentucky fish or wildlife species other than that candidate listed in Note 5. There will be no impact (See Exhibit 3).
15. Appropriate city licenses and approvals for zoning setbacks, will be obtained and inspections will be made by licensed local and county inspectors. Source: City of Jefferson
16. The project activities are complimentary to the City of Jefferson long term plans and no zoning changes will be necessary. Source: City of Jefferson Planning and Zoning Commission

17. The project follows the planning guidelines to support growth in the downtown area and prevent urban sprawl. Source: City of Jefferson
18. The temporary influx of traffic and noise that will occur during the project will be handled by each building contractor through proper signage and traffic directors. Source: City of Jefferson
19. Building construction will be done according to all International Code Council (ICC) Maintenance Code, Kentucky Residential Code, and all applicable Kentucky State Building Codes. Source: City of Jefferson
20. There will be little to no increase of Ambient Noise. Any increase in noise levels during the new construction will be temporary in nature. (See Note #9, Exhibit #6) Source: City of Jefferson
21. Once complete, the project will attract additional vehicular traffic. The off-street parking will aid reduce traffic congestion. This will have little effect upon ambient air quality as it relates to primary and secondary pollutants. Source: Madison Monroe & Associates Site Visit.
22. The zoning for the project is appropriate for this type of use. Source: Madison Monroe & Associates Site Visit.
23. The State Historic Officer has been contacted for any historic or archaeological significance. (See Exhibit #1)
24. The Demographic Character is expected to change. The Civic Center should help to support other Downtown areas. Source:
25. Relocations will be handled in accordance with the Uniform Act. Source: City of Jefferson
26. The City of Jefferson will experience a short-term boost to their economy from construction of the Civic Center and the purchase of materials locally. Long term gains due to increased traffic in downtown area for use of facilities. Source: City of Jefferson
27. The project will have a positive effect upon current commercial facilities or activities located near the project area. Source: City of Jefferson.
28. The project will have no affect on health care facilities and services. Existing services will remain and not be overtaxed. Source: Washington County Health Department
29. The project will not affect social services available in the County.
30. The existing solid waste disposal system can adequately service the proposed project. Source: City of Jefferson
31. The City of Jefferson wastewater treatment system is in compliance with the Division of Water. The scope of this project will not adversely affect the capacity of the system. Source: City of Jefferson.
32. Storm water systems already exist for the existing project site. The project will use Best Management Practices in addition to curbs to prevent erosion. Source: City of Jefferson
33. The City of Jefferson's water treatment system is in compliance with Kentucky DOW Regulations for water production. The scope of the project will not adversely affect the capacity of the system. Source: City of Jefferson
34. The project will not create any obstacles to fire, safety or emergency medical services. Source: City of Jefferson
35. See Note #34
36. See Note #34.
37. The project is located within downtown Jefferson which has recreational space.
38. See Note #37.

39. Not Applicable.
40. The City of Jefferson does not currently have a transportation system.
41. The project area has no natural water on or near it.
42. See Note #40.
43. The project is not located in the 100-year floodplain. (See Exhibit 2)
44. See Note #2, Exhibit #8.
45. See Note #3.
46. The project is in an urban setting and will not disrupt or alter the habitats of any vegetation or wildlife and will not alter any unique natural features or agricultural lands. (See Exhibit 3).
47. See Note #45.
48. Environmental Justice – There are no negative factors to engage environmental justice.

---

**Attachment 2-1) :**  
**Format II: Environmental Assessment Users Guide**

---



## **Environmental Assessment – Users Guide**

This attachment is a guide only. It explains how to complete environmental review procedures. Do not use this form for your environmental review; rather use the sample Format II Environmental Assessment available from DLG and in the KCDBG Handbook.

### **The Environmental Assessment Checklist**

The major purpose of this Checklist is to allow the more detailed analysis that follows to focus on those categories of potentially significant impact. This can avoid a lot of wasted energy in data collection, analysis and report writing in categories which have no potential for significant impacts and require no mitigation efforts or ones for which the analyst has done the work on previous projects. Assuming there is a file of solid environmental information about the community, the checklist is intended take no longer than a few hours – no more than a day even for projects with many potential effects. More time may be needed later for thorough analysis where the checklist review indicates either potential impacts or where insufficient data is readily available. Judgments at this stage should be based upon available data with perhaps the addition of a few well-placed phone calls or a site visits if the area is unfamiliar to the analyst.

**GUIDE NOTES**

This section provides quick detail of the project, or an abstract. Complete each line with the proper information.

**PROJECT ABSTRACT  
FORMAT II ENVIRONMENTAL ASSESSMENT**

*Name of Grantee* \_\_\_\_\_

*Application/Grant Number* \_\_\_\_\_

*SAI #KY* \_\_\_\_\_

*From:* \_\_\_\_\_ *To:* \_\_\_\_\_

**X Original**

**Revisions**

**Amendments**

*Name and Title of Certifying Officer:*

*City or County* \_\_\_\_\_

*Project Name:*

*Locations of Physical Development(s):*

*Lead Agency:*

*City or County* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Project Representative:* \_\_\_\_\_ *Telephone:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Project Information:* \_\_\_\_\_ *Telephone:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Email:* \_\_\_\_\_

*Project Summary Description:*

**CDBG Funds**

**Other**

**PROJECT DATA  
PART I  
Description of the Proposed Action**

<b>GUIDE NOTES</b>	<b>ENVIRONMENTAL ASSESSMENT</b>
	_____ Project
<p><b>Purpose:</b> The purpose of the project can be describe in terms of goals and existing deficiencies and what the project is expected to achieve in removing those deficiencies. Complete knowledge of the project's purpose is necessary to an evaluation as to whether the project is justified in terms of its anticipated achievements in relation to its environmental consequences and other costs.</p>	<p><b>PURPOSE OF THE PROJECT:</b></p>
<p><b>Status:</b> The status of the project in the program's decision-making process should be explained here. The amount of detailed information that can realistically be supplied depends on how far planning has progressed. Others reviewing the project should know the current stage of planning to properly assess the adequacy of information given and to make recommendations.</p>	<p><b>STATUS OF THE PROJECT:</b></p>
<p><b>Description:</b> A description of the project should include the type of project, the size or scale, its locations, current use, and other pertinent descriptive material. Location should be identified properly. A minimum of two maps should be included; one showing the locations of the project within the city, town or metropolitan area, and the second showing the relation of the project to its immediate neighborhood. Distances to major landmarks, such as nearby airports, highways, parks, or wildlife areas, and the central business districts should be marked.</p>	<p><b>PROJECT AND AREA DESCRIPTION:</b> Include all contemplated actions, which logically are either geographically, or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25]</p>

**PROJECT DATA PART II**  
Description of the Affected Environment

<b>GUIDE NOTES</b>	<b>ENVIRONMENTAL ASSESSMENT</b>
	_____ Project
<p><b>Existing Conditions:</b> Generally describe the environment of the project site and the surrounding areas, as it exists without the project, i.e. presently. Identify pertinent physical factors, such as land uses, soil, climate, noise, air, water, vegetation, etc. Indicate the nature and extent, or the absence of, service delivery systems and facilities, the social and economic character, population densities, etc.</p> <p>Environmental trends (i.e., movement toward new or different environmental conditions) should also be identified and described. This item is very important, in that it will serve as the database from which future change will be measured.</p>	<p><b>Existing Conditions and Trends:</b> Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)]</p>
<p><b>Maps/Plans:</b> In documenting project data as part of the Environmental Review, extensive use should be made of tables, maps, charts, or descriptions in outline form as necessary. Emphasis should be placed on those items, which are particularly relevant to the project, and the amount of detail should vary accordingly. The information may be supplied in any convenient format as part of the description of the proposed project.</p>	<p><b>PROJECT AND AREA MAPS AND PLANS:</b></p>

## Statutory Checklist

For each listed statute, executive order, or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency. [24CFR §58.5]

GUIDE NOTES	Factors	Determinations and Compliance Documentation
<p><b>Guide Notes:</b> For each checklist category there may be more than one applicable law or regulation. For example, in the case of water it will be necessary to indicate both that the project complies with the Safe Drinking Water Act and that the various water quality acts and regulations have been considered.</p> <p>In addition, there is space provided for reference and sources to be listed on the Checklist. The last column should also be used to indicate outcome and findings of actions taken and other actions scheduled to complete the environmental review. Notes, correspondence, and documents (e.g. approval letters, permits) will also be attached as well as findings of potential adverse effect.</p>	<b>Historic Preservation</b> <small>[36 CFR 800]</small>	
	<b>Floodplain Management</b> <small>[24 CFR 55, Executive Order 11988]</small>	
	<b>Wetlands Protection</b> <small>[Executive Order 11990]</small>	
	<b>Coastal Zone Management Act</b> <small>[Sections 307(c), (d)]</small>	
	<b>Sole Source Aquifers</b> <small>[40 CFR 149]</small>	
	<b>Endangered Species Act</b> <small>[50 CFR 402]</small>	
	<b>Wild and Scenic Rivers Act</b> <small>[Sections 7 (b), (c)]</small>	
	<b>Air Quality</b> <small>[Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]</small>	
	<b>Farmland Protection Policy Act</b> <small>[7 CFR 658]</small>	
<b>Environmental Justice</b> <small>[Executive Order 12898]</small>		

### Environmental Standards Determinations and Compliance Documentation

GUIDE NOTES	Factors	Determinations and Compliance Documentation
	<b>Noise Abatement and Control</b> <small>[24 CFR 51 B]</small>	
	<b>Toxic or Hazardous Substances and Radioactive Materials</b> <small>[HUD Notice 79-33]</small>	
	<b>Siting of HUD-Assisted Projects near Hazardous Operations</b> <small>[24 CFR 51 C]</small>	
	<b>Airport Clear Zones and Accident Potential Zones</b> <small>[24 CFR 51 D]</small>	

**Other areas of statutory & regulatory compliance applicable to project**

GUIDE NOTES	Factors	Determinations and Compliance Documentation
	<b>Flood Insurance</b>	
	<b>Coastal Barriers</b>	
	<b>Airport Clear Zone Notification</b>	
	<b>Water Quality</b>	
	<b>Solid Waste Disposal</b>	
	<b>Fish &amp; Wildlife</b>	
<p><b>It is recommended that State or Local environmental laws or regulations be added to the Statutory Checklist as applicable to a particular CDBG community. Space has been provided to do so on this form. In addition, Federal statutes and regulations should be added when issued.</b></p>	<p><b>State or Local Statutes</b> (To be added by Local Community)</p>	

Prepared By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

# Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers, and page references. Attach additional materials as needed.

## GUIDE NOTES

**Under each impact category, describe the results of having compared the project to applicable standards and plans. The description should be sufficient to indicate: 1) any violations of the law; and 2) whether or not the project is incompatible with an established plan, or fails to meet an established standard. Where incompatibility with an established plan exists, an analysis and determination of whether or not to proceed with the project should be recorded and a decision to proceed should be explained. Projects, which are unlawful, should be rejected.**

**Describe the results of having examined this project with reference to the effect of each of the factor listed on the form. This analysis is designed to determine if the site and surrounding area represents a suitable environment for the project, especially if residents may be involved.**

### Impact Codes Explanation

- 1. No Impact anticipated:** A checkmark here indicates no more analysis or mitigation effort is needed.
- 2. Potentially Beneficial:** Beneficial impacts should be indicated here. Notes supporting the findings can be attached, however, no more detailed analysis is required.
- 3. Potentially Adverse:** In some cases, this quick review may be all this is needed to evaluate impacts. Indicate whether more documentation or study is required.
- 4. Needs Mitigation:** This code should be used to indicate some type of potential adverse impact recorded. Mitigation measures or safeguards should be listed for easy reference.
- 5. Requires Project Modification:** At this early stage of project review, there is a special opportunity to identify needed changes in the project itself before final applications are made or programs formalized.

GUIDE NOTES	Land Development	Code	Source or Documentation
<p>Is the site subject to unusual terrain features such as steep slopes, abutting rock formations or other conditions affecting construction, drainage, or livability? Does the proposed development appear to take advantage of the natural features of the site and area?</p> <p>Are there unusual risks from natural hazards such as geological faults, flash floods, volcanic activity, mudslides, or fires, or from the presence of ponds, or hazardous terrain features?</p> <p>Is the site subject to nuisances from odors, vibrations, unsightly areas, nearby landfills, inconveniences, or other nuisances?</p> <p>Are community energy supplies adequate to accommodate energy consumption in the project? Are there indications that the project will promote inefficient energy consumption?</p>	Conformance with Comprehensive Plans and Zoning		
	Compatibility and Urban Impact		
	Slope		
	Erosion		
	Soil Suitability		
	Hazards and Nuisances including Site Safety		
	Energy Consumption		

<p>Will the project adversely affect the aesthetic image of the surrounding area? Will the project block views? Is the proposed design integrated with the area in which it is located?</p> <p><b>Cultural Properties:</b> It is important that the conclusion that a historic property will not be affected by the project be carefully documented.</p> <p>Will the project substantially change the income, racial, ethnic, or age distribution of the neighborhood or community, or the institutions saving those population groups?</p>	<b>Noise</b> - Contribution to Community Noise Levels		
	<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels		
	<b>Environmental Design</b> Visual Quality - Coherence, Diversity, Compatible Use and Scale		
	<b>Environmental Design</b> Historic, Cultural, & Archaeological Resources		

GUIDE NOTES	Socioeconomic	Code	Source or Documentation
<p>Will the project destroy or relocate existing jobs, facilities, services, or business enterprises, or create or attract any of the same; to indirectly result in the immigration or emigration of individuals and families?</p> <p>Will the project force the displacement of individuals and families?</p>	Demographic Character Changes		
	Displacement		
	Employment and Income Patterns		

GUIDE NOTES	Community Facilities and Services	Code	Source or Documentation
<p><b>This portion of the ERR should be sufficient to indicate whether or not the existing and/or programmed services applicable to the proposed project, both in terms of access and adequacy, are or will be suitable to serve it.</b></p> <p><b>Consider:</b></p> <p><b>Does the project location provide for adequate and safe access to school for elementary school age children? Are the quality and capacity of such schools adequate?</b></p> <p><b>Does the project location provide adequate and safe access to school for junior and high school age children? Are the quality and capacity of such schools adequate?</b></p> <p><b>Is there adequate access to employment opportunities for proposed occupants? Is there an adequate supply of employment opportunities considering the skill and income requirements of potential proposed occupants?</b></p> <p><b>Is there adequate and convenient access to shopping?</b></p> <p><b>Will the water supply and sanitary sewer systems be adequate to serve the proposed project and its occupants?</b></p> <p><b>Will they meet fire flow, State health, and any special treatment requirements?</b></p> <p><b>Does the project location allow for adequate access for police and fire protection services?</b></p> <p><b>Are the police and fire protection services available to the project adequate to meet the project needs?</b></p> <p><b>Are the parks, playgrounds, and open space facilities in the project and surrounding area adequate to meet the needs of proposed occupants?</b></p> <p><b>Are roads and off-street parking facilities adequate for private transportation?</b></p>	Educational Facilities		
	Commercial Facilities		
	Health Care		
	Social Services		
	Solid Waste		
	Waste Water		
	Storm Water		
	Water Supply		
	Public Safety - Police		
	- Fire		
	- Emergency Medical		
	Open Space and Recreation		
	Recreation		
	Cultural Facilities		
Transportation			

GUIDE NOTES	Natural Features	Code	Source or Documentation
<p><b>Will the project make the area substantially more susceptible to erosion because of grading, increased runoff, inadequate vegetive cover during or after construction, inadequate drainage plain or other causes?</b></p> <p><b>Will the project impede natural drainage patterns, which cannot be corrected; cause alterations in stream channel form, or otherwise affect groundwater movement?</b></p> <p><b>Will construction over recharge areas substantially affect aquifer yields or water quality?</b></p> <p><b>Will erosion or increased weathering rate of bedrock result in groundwater contamination?</b></p> <p><b>Will erosion, increase runoff, or wastes from the project contaminate open streams and lakes? Will disruptions of water flow affect the characteristics of open streams and lakes?</b></p> <p><b>Are there unique species of plant or animal life particularly susceptible to adverse impact from construction and human habitation?</b></p> <p><b>Is there vegetation present, the loss of which would deny habitat to unique wildlife species or to a substantial number of different animals? Will such vegetation be preserved?</b></p>	Water Resources		
	Surface Water		
	Unique Natural Features and Agricultural Lands		
	Vegetation and Wildlife		

GUIDE NOTES	Other Factors	Code	Source or Documentation
<p><b>Add any additional factors that may be relevant here.</b></p>			

**NOTE:** The Responsible Entity must additionally document compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

**List of Sources, Agencies, and Persons Consulted** [40 CFR 1508.9(b)]

GUIDE NOTES	ENVIRONMENTAL ASSESSMENT CHECKLIST
	<p style="text-align: right;">_____ Project</p>
<p><b>Summary:</b> Identify and describe each alternation of existing environmental conditions, adverse or beneficial, which will be caused or induced in who or in part, directly or indirectly, by the proposed project. The description should be sufficient to enable the reader to generally determine the nature, magnitude, and extent of each identified impact.</p>	<p><b>Summary of Findings and Conclusions:</b></p>
<p><b>Environmental Conditions:</b> Determine and describe all conditions or safeguards, which should be implemented in order to protect or enhance environmental quality, or to minimize or eliminate adverse environmental impacts if the project is undertaken.</p>	<p><b>Summary of Environmental Conditions:</b></p>
<p><b>Modifications/Alternatives:</b> Determine and describe the possible alternatives to the proposed project, including the alternative of no project. Discuss whether or not identified impacts can be eliminated or minimized, or environmental quality enhanced, through adoption of such alternatives. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficiently to indicate an adequate consideration thereof.</p>	<p><b>Project Modifications and Alternatives Considered:</b> [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)</p>

<b>GUIDE NOTES</b>	<b>ENVIRONMENTALASSESSMENT CHECKLIST</b>
	_____ Project
	<p><b>List Additional Studies Performed (Attach Study or Summary)</b></p>
<p><b>Mitigation: Determine and discuss changes which can be made in such things as proposed plans, policies, schedules, designs, locations, etc. in order to eliminate or minimize any adverse environmental impacts and to enhance environmental quality. In the treatment of adverse impacts, the prospects of changing things, which are not part of the project, should be explored, as well as changes to the project itself.</b></p>	<p><b>Mitigation Measures Needed:</b> [24 CFR 58.40(d), 40 CFR 1508.20]        (Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)</p>

# PROJECT DATA PART III

## Alternatives to the Proposed Action

GUIDE NOTES	ENVIRONMENTAL ASSESSMENT
<p>Describe and determine the possible alternatives to the proposed project, including the alternative of no project. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficiently to indicate an adequate consideration thereof.</p> <p>If the no project alternative is considered to be not approving this project, or any modification of this project, on this site, or any alternative site.</p> <p>Local and area wide plans that demonstrate sensitivity to environmental conditions can serve as the context within which a comparison of alternative sites is made (i.e., by a project's consistency with the environmental criteria for site choice as may be established with such plans.</p>	<p>_____ Project</p> <p><b>Alternatives Considered:</b></p> <p><b>Alternative 1:</b></p>          <p><b>Alternative 2:</b></p>          <p><b>Alternative 3:</b></p>          <p><b>Comparative Analysis:</b></p>

## PROJECT DATA PART IV

### Probable impacts of the proposed action on the environment

GUIDE NOTES	ENVIRONMENTAL ASSESSMENT
	<p data-bbox="581 331 1068 394">Page _____ Project</p> <p data-bbox="581 596 1419 659">1. Is project in compliance with applicable laws and regulations? <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p data-bbox="581 693 1237 726">2. Is an EIS required?      <input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p> <p data-bbox="581 764 1364 861">3. A Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human Environment. <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No</p>

GUIDE NOTES	ENVIRONMENTAL ASSESSMENT CHECKLIST	
<p><b>Finding: Based upon the environmental assessment of the project and alternatives conclude whether or not the request for release of funds for the project will constitute an action significantly affecting the quality of the human environment. State the reasons in support of any negative finding. After making the level of clearance finding, carry out the Clearance procedures with that finding and complete the form as indicated.</b></p>	<p><b>Project Name and Identification No.</b> _____</p> <p><b>Environmental Review Finding</b></p> <p><b>On the basis of the environmental assessment of the above project I have made the following finding:</b></p>	
		<p>A Finding of No Significant Impact</p>
	<p>I find that this project is not a major federal action which I will have a significant effect on the human environment and that a request to HUD for the release of project funds will not require an Environmental Impact Statement.</p> <p>_____</p> <p>Date _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>Signature, Title and Address of Certifying Officer</i></p>	
		<p>A Finding of Significant Impact</p>
	<p>I find that this project is a major federal action which may or will have a significant effect on the human environment and that a request to HUD for the release of project funds will require an Environmental Impact Statement.</p> <p>_____</p> <p>Date _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>Signature, Title and Address of Certifying Officer</i></p>	

**PART IV**  
**PROBABLE IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT**

GUIDE NOTES	SAMPLE NOTES
	<ol style="list-style-type: none"> <li>1. The project area is not located in the 100-year floodplain zone. (See Exhibit 2)</li> <li>2. The project is in an existing downtown area and does not have any characteristics of a wetland. Source: Washington County District Conservationist.</li> <li>3. The Commonwealth of Kentucky is not located within a Coastal Zone. This was confirmed by telephone conversation with the Kentucky Department of Fish and Wildlife.</li> <li>4. There is no local Aquifer available. The local water supply comes from _____. The City of _____ Water Treatment Plant is adequate to accommodate this project. Source: City of _____.</li> <li>5. There is one candidate for a threatened or endangered species in the Washington County area. This candidate is the Rafinesque's Big Eared Bat (<i>Plecotus rafinesquii</i>). Source KY Dept of Fish and Wildlife Resource. (See Exhibit 3)</li> <li>6. There are no Wild Rivers in the project area. (See Exhibits 4)</li> <li>7. The project is located within the City of Jefferson in Washington County that has achieved the ambient air quality standards for primary and secondary total suspended particles as well as for ozone and sulfur dioxide. Temporary construction traffic will not affect the air quality. Source: KY Ambient Air Quality Annual Report. (See Exhibit 5)</li> <li>8. The proposed project is located within the downtown area and will not affect farmlands in any fashion. Source: District Conservationist, U.S. Department of Natural Resources Conservation. (See Exhibit 7)</li> <li>9. The project is not located within 3,000 feet of any airport or near any other noise producing entity. Noise levels will increase in the area during the demolition and construction period, but will return to normal when the project is complete.</li> </ol>

	<p>10. The nearest major airport is located in Lexington, Kentucky, approximately 45 miles west of Jefferson. There is a small airport in the county, but the project area is not in a clear or flyover zone. City of Jefferson.</p> <p>11. There are no thermal or explosive hazards in the vicinity of the project area. Source: City of Jefferson, Madison Monroe &amp; Associates Field Visit.</p> <p>12. Water is supplied by the Jefferson Water and Sewer Service. This system is adequate to accommodate this project. Plumbing permits will be issued by the Washington County Health Department is required. Source: City of Jefferson.</p> <p>13. The solid waste will be taken to the Local Sanitation Landfill located in Washington County, Kentucky, Permit #103.400007. All transportation and demolition will take place in accordance with the County Solid Waste Plan. Source: City of Jefferson, Madison Monroe and Associates</p> <p>14. The project does not serve as an existing habitat for existing Kentucky fish or wildlife species other than that candidate listed in Note 5. There will be no impact (See Exhibit 3).</p> <p>15. Appropriate city licenses and approvals for zoning setbacks, will be obtained and inspections will be made by licensed local and county inspectors. Source: City of Jefferson</p> <p>16. The project activities are complimentary to the City of Jefferson long term plans and no zoning changes will be necessary. Source: City of Jefferson Planning and Zoning Commission</p> <p>17. The project follows the planning guidelines to support growth in the downtown area and prevent urban sprawl. Source: City of Jefferson</p> <p>18. The temporary influx of traffic and noise that will occur during the project will be handled by each building contractor through proper signage and traffic directors. Source: City of Jefferson</p> <p>19. Building construction will be done according to all International Code Council (ICC) Maintenance Code, Kentucky Residential Code, and all applicable Kentucky State Building Codes. Source: City of Jefferson</p>
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	<p>20. There will be little to no increase of Ambient Noise. Any increase in noise levels during the new construction will be temporary in nature. (See Note #9, Exhibit #6) Source: City of Jefferson</p> <p>21. Once complete, the project will attract additional vehicular traffic. The off-street parking will aid reduce traffic congestion. This will have little effect upon ambient air quality as it relates to primary and secondary pollutants. Source: Madison Monroe &amp; Associates Site Visit.</p> <p>22. The zoning for the project is appropriate for this type of use. Source: Madison Monroe &amp; Associates Site Visit.</p> <p>23. The State Historic Officer has been contacted for any historic or archaeological significance. (See Exhibit #1)</p> <p>24. The Demographic Character is expected to change. The Civic Center should help to support other Downtown areas. Source: City of Jefferson</p> <p>25. Relocations will be handled in accordance with the Uniform Act. Source: City of Jefferson</p> <p>26. The City of Jefferson will experience a short-term boost to their economy from construction of the Civic Center and the purchase of materials locally. Long term gains due to increased traffic in downtown area for use of facilities. Source: City of Jefferson</p> <p>27. The project will have a positive effect upon current commercial facilities or activities located near the project area. Source: City of Jefferson.</p> <p>28. The project will have no affect on health care facilities and services. Existing services will remain and not be overtaxed. Source: Washington County Health Department</p> <p>29. The project will not affect social services available in the County.</p> <p>30. The existing solid waste disposal system can adequately service the proposed project. Source: City of Jefferson</p> <p>31. The City of Jefferson wastewater treatment system is in compliance with the Division of Water. The scope of this project will not adversely affect the capacity of the system. Source: City of Jefferson.</p>
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	<p>32. Storm water systems already exist for the existing project site. The project will use Best Management Practices in addition to curbs to prevent erosion. Source: City of Jefferson</p> <p>33. The City of Jefferson’s water treatment system is in compliance with Kentucky DOW Regulations for water production. The scope of the project will not adversely affect the capacity of the system. Source: City of Jefferson</p> <p>34. The project will not create any obstacles to fire, safety or emergency medical services. Source: City of Jefferson</p> <p>35. See Note #34</p> <p>36. See Note #34.</p> <p>37. The project is located within downtown Jefferson which has recreational space.</p> <p>38. See Note #37.</p> <p>39. Not Applicable.</p> <p>40. The City of Jefferson does not currently have a transportation system.</p> <p>41. The project area has no natural water on or near it.</p> <p>42. See Note #40.</p> <p>43. The project is not located in the 100-year floodplain. (See Exhibit 2)</p> <p>44. See Note #2, Exhibit #8.</p> <p>45. See Note #3.</p> <p>46. The project is in an urban setting and will not disrupt or alter the habitats of any vegetation or wildlife and will not alter any unique natural features or agricultural lands. (See Exhibit 3).</p> <p>47. See Note #45.</p> <p>48. Environmental Justice – There are no negative factors to engage environmental justice.</p>
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**Attachment 2-1\* :**  
**Environmental Assessment Process/File Checklist**

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# SAMPLE ENVIRONMENTAL ASSESSMENT PROCESS & FILE CHECKLIST

(For projects NOT requiring preparation of  
an Environmental Impact Statement)

1. Project description data provided including street address if applicable? \_\_\_\_\_
2. Existing environmental conditions and trends described? \_\_\_\_\_
3. Clearinghouse review requirements met? \_\_\_\_\_
4. Was project compared with applicable plans? \_\_\_\_\_
5. Was project compared with applicable standards? \_\_\_\_\_
6. Were physical factors affecting the project assessed? \_\_\_\_\_
7. Were service delivery factors affecting the project assessed? \_\_\_\_\_
8. Were project impacts on physical factors assessed? \_\_\_\_\_
9. Were project impacts on service delivery factors assessed? \_\_\_\_\_
10. Were project impacts on special factors (particularly historic properties) assessed? \_\_\_\_\_
11. Were both beneficial and adverse project impacts identified and discussed? \_\_\_\_\_
12. Were mitigating measures for adverse project impacts identified and discussed? \_\_\_\_\_
13. Were project alternatives identified (including the no action alternative) and reasons cited for rejecting alternatives? \_\_\_\_\_
14. Were conditions and safeguards for the project identified and discussed? \_\_\_\_\_
15. Notice of Finding of No Significant Impact on the Environment published? \_\_\_\_\_
16. Notice of Intent to Request Release of Funds published? \_\_\_\_\_
17. Request for approval of Evidentiary Materials and Release of Funds Made? \_\_\_\_\_



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**Attachment 2-1+:  
Sample Combined/Concurrent Notice Finding of no Significant Impact  
on the Environment (FONSI) and  
Notice of Intent to Request Release of Funds (NOI/RROF)**

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**COMBINED NOTICE**  
**NOTICE TO PUBLIC OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT**  
**AND 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:

On or about (date) \_\_\_\_\_, the above named (city/county) \_\_\_\_\_ will request the Department of Local Government to release Federal funds under Title 1 of the Housing and Community Development Act of 1974 (PL 93-383) for the following project:

\_\_\_\_\_  
(Project Title or Name)

\_\_\_\_\_  
(Purpose or Nature of the Project)

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

\_\_\_\_\_  
(Census Tract(s))

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of human environment and, accordingly, the above-named \_\_\_\_\_ (city/county) \_\_\_\_\_ has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL-91-190).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

An Environmental Review Record respecting the within project has been made by the above named \_\_\_\_\_ (city/county) \_\_\_\_\_ 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 above address and is available for public examination and copying, upon request, at Room \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_.

(If applicable) No further environmental review of such project is proposed to be conducted prior to the request for release of federal funds.

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration by the (city/county) 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 and the city/county) \_\_\_\_\_ will not request the release of Federal funds or take any administrative action on the within project prior to the date specified on the proceeding sentence.

( Name of applicant ) will undertake the project described above with Block Grant funds from Department of Local Government under Title I of the Housing and Community Development Act of 1974.

( Name of applicant ) is certifying to the state that (name of applicant) and (chief executive officer or other 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 ( name of applicant) may use the Block Grant funds and the state and HUD will have satisfied their responsibilities under the National Environmental Policy Act of 1969. The state will accept an objection to its approval only if it is on one of the following bases:

- (a) The certification was not in fact executed by the city/county Certifying Officer.
- (b) The city/county has filed 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 city/county 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 has committed funds or incurred costs not authorized by this part before release of funds and approval of the Environmental Certification by HUD or the State.
- (f) Objections have been made by a federal agency.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to the Department of Local Government, 1024 Capital Center Drive, 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.

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(Name of Certifying Officer of Applicant)

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(Address)

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\* Date of Publication.

\*\* No Less than 15 days after date of this publication, i.e., 16 days.

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



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**Attachment 2-1, :**  
**Sample Environmental Review Record Checklist**

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## **SAMPLE ENVIRONMENTAL REVIEW RECORD CHECKLIST**

- Finding of Exemption and/or Categorical Exclusion or Finding of Environmental Assessment/Level of Clearance Finding
  
- Historic Preservation Procedures Completed and Documented
  
- Floodplains/Wetlands
  - Early Public Notice Published
  - Notice of Explanation Published
  
- Statutory Checklist
  
- Environmental Assessment and Checklist
  
- Notice of Availability of Environmental Assessment
  
- Concurrent Notice of Finding and No Significant Effect and Notice of Intent to Request Release of Funds Published
  
- Distribution List of Public Notices
  
- Comments Received and City/County responses
  
- Environmental Certification, Request for Approval of Evidentiary Materials and Release of Funds Submitted
  
- Post-Review Revisions and Changes, Written Decisions, Amendments and Supplements

(This listing is for typical projects. For a more complete listing of required documentation for the ERR, see Section 58.30 of the Regulations.)



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**Attachment 2-1- :  
Sample Re-Evaluation Determination**

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**CDBG Environmental Review  
Sample Re-evaluation Determination  
(24 CFR Part 58)  
[DCGP E1-B]**

Name of grantee: \_\_\_\_\_

Project title: \_\_\_\_\_

Grant number of project for which certification is being made: \_\_\_\_\_

Grant number of previously assessed project: \_\_\_\_\_

I affirm that the project for which funds are being requested has been determined to be, covered by a previously issued Finding of No Significant Impact and that a re-evaluation and supporting documentation have been prepared per subsection 58.47 of 24 CFR Part 58.

\_\_\_\_\_  
Name and Title of Certifying Officer      Signature of Certifying Officer      Date

Name of person preparing this form: \_\_\_\_\_

Phone Number: \_\_\_\_\_

<b>For State Use Only</b>	<b>Reviewed</b>	<b>Date</b>
Compliance Specialist		