

Environmental Review: Spotlight on the Common and Complex

Tim Allen (ODSA) & Jennifer Miller (LJB, Inc.)



Development
Services Agency

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The screenshot shows the Ohio Development Services Agency website. The header includes the agency logo, the text "Ohio.gov", a search bar, and social media icons for RSS, Facebook, Twitter, and YouTube. A navigation menu lists: Home, Business, Minority, Community, Individual, News, Reports, Rules, and Contact. The main content area is titled "Community | Training and Technical Assistance". On the left, a sidebar lists various programs: 2014 Lead-Based Paint Abatement Training Program, Affordable Housing Programs, Community Development Block Grant Programs (CDBG), Homelessness and Supportive Housing Programs, New Horizons Fair Housing Assistance Program, Ohio Consolidated Plan, and Program Policy Notices. The main content area is titled "Training and Technical Assistance" and contains a paragraph about HUD programs and a list of categories: Environmental Review, Civil Rights and Fair Housing, Federal Labor Standards, Uniform Relocation Act & Section 104(d) - Acquisition, Relocation, and Demolition, and Procurement & Contract Management. A contact box on the right provides the address and phone number for the Office of Community Development. At the bottom, the URL "http://development.ohio.gov/cs/cs__traintech.htm" is displayed, along with the agency logo and name.

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Community | Training and Technical Assistance

Community

2014 Lead-Based Paint Abatement Training Program

Affordable Housing Programs

Community Development Block Grant Programs (CDBG)

Homelessness and Supportive Housing Programs

New Horizons Fair Housing Assistance Program

Ohio Consolidated Plan

Program Policy Notices

Contact

Training and Technical Assistance

Ohio Development Services Agency (ODSA) programs that include U.S. Department of Housing and Urban Development (HUD) funds are subject to federal requirements and standards. These requirements pertain specifically to the Agency's Office of Community Development (OCD) programs that distribute Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) funds. Recipients of HUD assistance must adhere to applicable federal laws, regulations, and standards included in the following categories:

- Environmental Review
- Civil Rights and Fair Housing
- Federal Labor Standards
- Uniform Relocation Act & Section 104(d) - Acquisition, Relocation, and Demolition
- Procurement & Contract Management

Contact

Office of Community Development
(614) 466-2285

Contact OCD Training and Technical Assistance staff with any questions concerning federal or state requirements for OCD programs at (614) 466-2285.

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Community | Environmental Review

- 2014 Lead-Based Paint Abatement Training Program
- Training and Technical Assistance
 - Environmental Review
 - Civil Rights and Fair Housing
 - Federal Labor Standards
 - Uniform Relocation Act & Section 104(d) – Acquisition, Relocation, and Demolition
 - Procurement & Contract Management
- Affordable Housing
- Community Development Block Grant
- Homelessness and Supportive Housing

Environmental Review

Environmental Review Requirements for HUD-funded Programs

The Ohio Development Services Agency (ODSA) administers programs that include U.S. Department of Housing and Urban Development (HUD) funds which are subject to federal environmental review requirements. These requirements pertain specifically to ODSA's Office of Community Development (OCD) programs that distribute Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) funds.

HUD's environmental regulations, codified at 24 CFR Part 58, describe procedures for compliance with the National Environmental Policy Act (NEPA) and related federal laws and authorities. This page contains forms, information sheets and other technical assistance documents to help grantees successfully meet their federal environmental review obligations.

- ▶ Environmental Review Technical Assistance
- ▶ Exempt Activity Toolkit
- ▶ Categorical Exclusion Subject to Section 58.5 Activity Toolkit
- ▶ Categorical Exclusion Subsequently Exempt Activity Toolkit
- ▶ Categorical Exclusion Not Subject to Section 58.5 Activity Toolkit
- ▶ Environmental Assessment Activity Toolkit
- ▶ Continued Relevance Activity Toolkit
- ▶ Additional Notice Formats

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Community | Environmental Review

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Environmental Review

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- ▶ Environmental Assessment Activity Toolkit

- Environmental Review Information Sheet: Environmental Assessment [24 CFR 58.36] (pdf)
- Environmental Assessment Worksheet (docx) **NEW**
- Field Notes Checklist (doc)
- HUD Site-Specific Field Contamination Checklist (pdf) **NEW**
- Combined Notice of Public of a Finding of No Significant Impact on the Environment (FONSI) and Notice of Intent to Request Release of Funds (NOI/RRF) (doc)
- Request for Release of Funds and Certification (doc)

Contact
Office of Community Development
(614) 466-2285





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Environmental Review

Welcome to the official website for the Department of Housing and Urban Development's (HUD's) Office of Environment and Energy. The Office of Environment and Energy (OEE) manages the environmental review process for HUD.

An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be in compliance with the [National Environmental Policy Act \(NEPA\)](#), and other related Federal and state environmental laws.

Orientation to Environmental Reviews

Explore the components of an environmental review. The section contains information pertaining to both Part 50 and Part 58 reviews.

[Learn about the Environmental Review Process](#)

Related Federal Environmental Laws and Authorities

[Join a Mailing List](#)

[View Environmental Review FAQs](#)

[Ask an Environmental Review Question](#)

[Contact HUD Environmental Staff](#)

Environmental Review Records

- [Environmental Impact Statements](#)
- [HEROS Environmental Review Records](#)

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Environmental Review Main

Related Federal Laws and Authorities

Choose a topic below to learn more about HUD environmental review compliance with Federal related laws and authorities listed at 24 CFR 50.4, 58.5, and 58.6.

Find by Topic



Air Quality



Airport Hazards



Coastal Barrier Resources



Coastal Zone Management



Endangered Species



Environmental Justice

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Training Outline

- Environmental Review Overview
 - Levels of Review
 - Forms
 - Procedures
- Special Topics Presentation

Environmental Review Background

- National Environmental Policy Act of 1969, as amended
- Housing and Community Development Act of 1974
- HUD ER Regulations: 24 CFR Part 58

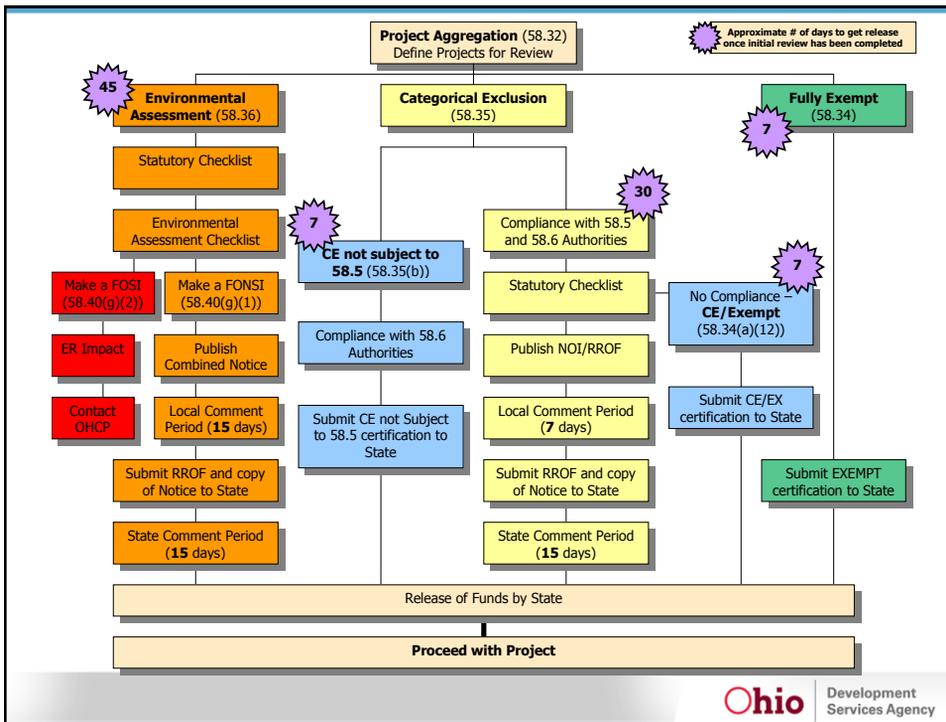
Other Environmental Laws



- Floodplain Management: 1977
- Wild and Scenic Rivers: 1968
- Wetlands: 1977
- Farmlands Protection Policy Act: 1981
 - Clean Air Act: 1970
 - Sole Source Aquifers: 1974
 - Endangered Species Act: 1973
 - National Historic Preservation Act: 1966

ER Overview

- Project Scope
- Determine Level of Environmental Review
- Conduct Environmental Review
- Public Notices
- RROF and/or Certification



Determine Scope of Project

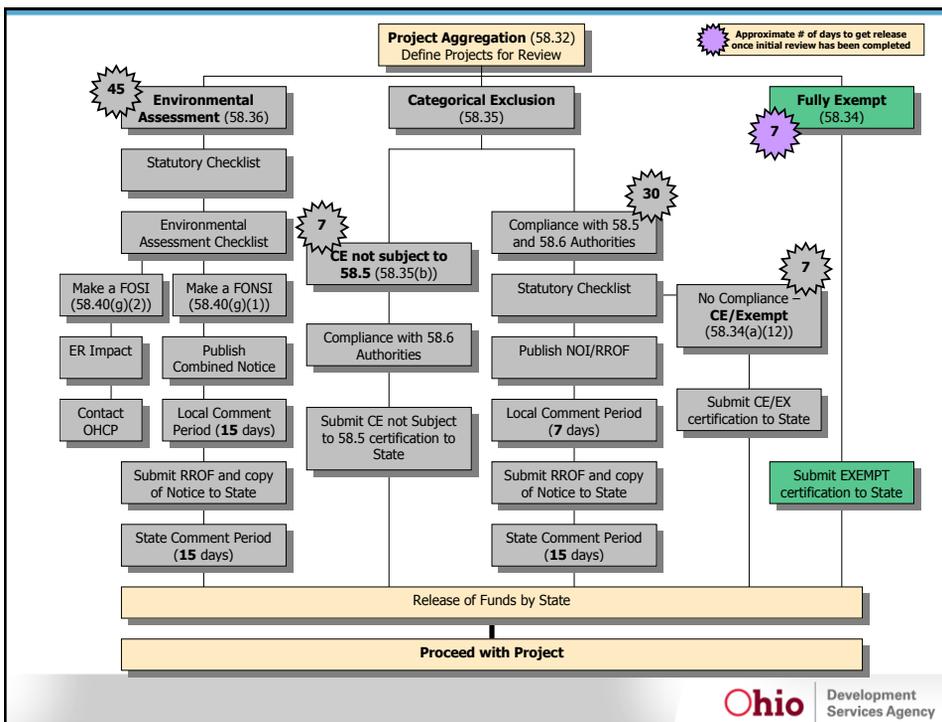
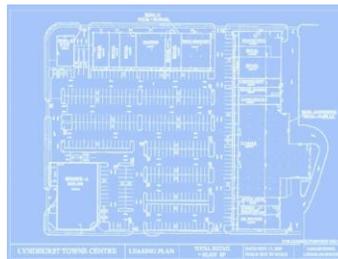
- Identify Activities
- Aggregate Related Activities for ER
(per 24 CFR 58.32)

Determine Level of Review

- Exempt
- Categorical Exclusion
- Environmental Assessment

Exempt

- No environmental review, consultation, or other action under NEPA
- Includes: Environmental and other studies, Administration, Public services, Purchase of tools, Engineering or design costs, Training.





Exempt Activity Worksheet

Grantee	
Grant Number	
Activity Name	
Activity Location	
Activity Description and Outcomes:	
List of Attachments	<input type="checkbox"/> Location Map (if applicable)
	<input type="checkbox"/> Certification of Exempt Project Date: _____
	<input type="checkbox"/> Release of Funds (ROF) Date: _____
Determination:	
<input type="checkbox"/> Exempt (per 24 CFR Section 58.34)	
Preparer Name: _____	
Signature _____	Date: _____

Categorical Exclusion

- Category of activities for which no environmental impact statement or environmental assessment and Finding of No Significant Impact (FONSI) under NEPA is required.

Categorical Exclusion

Subdivided by required compliance with
“related laws and authorities”
(24 CFR 58.5)

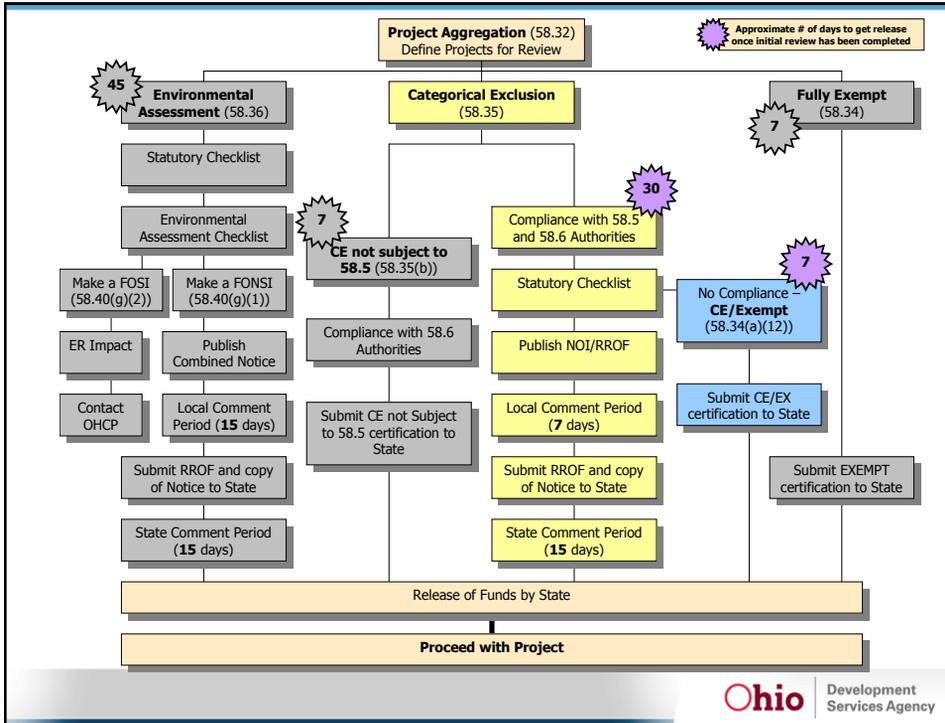
**Not subject to
§ 58.5**

**Subject to
§ 58.5**

Categorical Exclusion, Subject to Sec. 58.5

- Public facilities improvements, Architectural barriers, certain Rehabilitation, Acquisition...





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Categorical Exclusion Subject to Section 58.5 Worksheet

Grantee	
Grant Number	
Activity Name	
Activity Location	
Activity Description and Outcomes:	
Determination: <input type="checkbox"/> Categorical Exclusion Subject to Sec. 58.5 [per 24 CFR Section 58.35(a)] <input type="checkbox"/> Categorical Exclusion, Subsequently Exempt (No compliance or mitigation required for any of the listed statutes or authorities) [per 24 CFR Section 58.34(a)(12)]	
Preparer Name:	
Signature _____	Date: _____

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List of Attachments

<input type="checkbox"/> Location Map
<input type="checkbox"/> Site Photographs
<input type="checkbox"/> Copies of other Environmental Analyses (if applicable) List: _____
<input type="checkbox"/> Other Relevant Correspondence and Notifications (if applicable) List: _____
<input type="checkbox"/> Statutory Checklist Supporting Documentation
<input type="checkbox"/> Notice of Intent to Request Release of Funds (NOI/RROF)* Date: _____ <i>*Not required if project converts to "Exempt" per 24 CFR 58.34(a)(12)</i>
<input type="checkbox"/> Request for Release of Funds (RROF)* Date: _____ <i>*Or Certification of Determination of Subsequent Exemption For a Categorical Exclusion Project if project converts to "Exempt" per 24 CFR 58.34(a)(12)</i>
<input type="checkbox"/> Release of Funds (ROF) Date: _____
<input type="checkbox"/> Additional Documentation Describe: _____



Statutory Checklist Instructions:

For each of the environmental laws and authorities listed below, determine the level of compliance required and provide a narrative explanation and list of supporting documentation. **The narrative must explain decision-making and compliance procedures.** Attach all supporting documentation to this worksheet.

Statutory Checklist

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Compliance Required?	Explanation and List of Compliance Documentation
Historic Preservation Resources: Ohio Historic Preservation Office HUD Historic Preservation	---	
Floodplain Management Resources: Floodplain Maps Floodplain Administrators HUD Floodplain Management	---	
Wetland Protection Resources: NRCS Web Soil Survey National Wetlands Inventory Ohio EPA Division of Surface Water US Army Corps of Engineers Regulatory (Permits) HUD Wetland Protection	---	
Coastal Zone Management Resources: Ohio Office of Coastal Management	---	

Notice of Intent to Request Release of Funds (NOI/RROF)

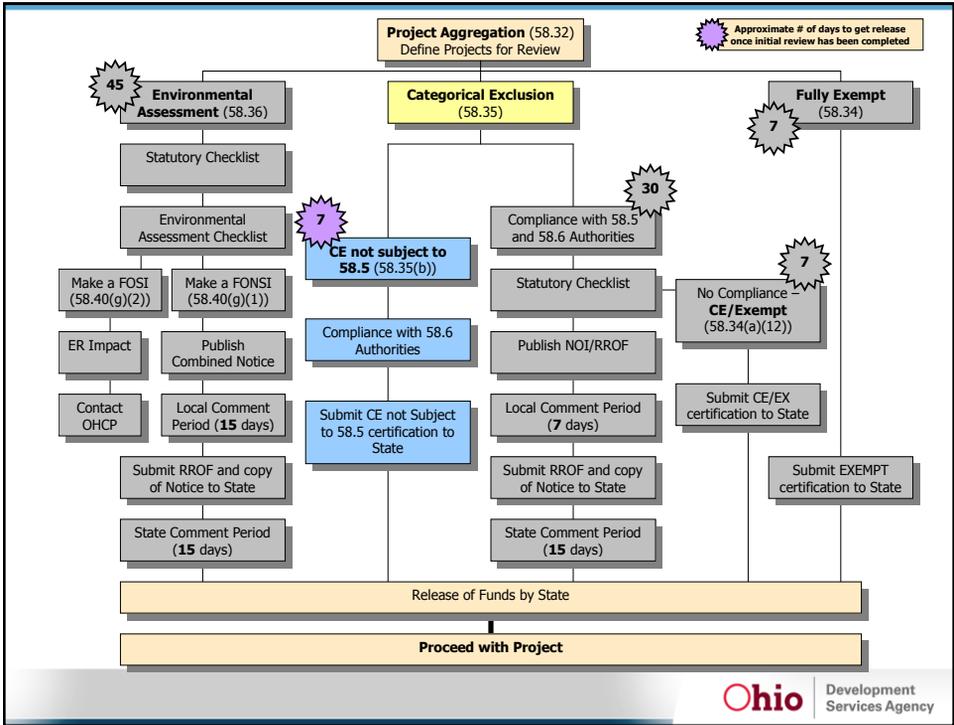
- Newspaper of general circulation, non-legal section
- ERR must be complete prior to publication
- 7-day comment period
- Submit RROF to State
- 15-day objection period



Categorical Exclusion, Not Subject to Sec. 58.5

- Tenant-based rental assistance,
Supportive services, Operating costs,
certain Economic Development
activities...





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Categorical Exclusion Not Subject to Section 58.5 Worksheet

Grantee	_____
Grant Number	_____
Activity Name	_____
Activity Location	_____
Activity Description and Outcomes:	
List of Attachments	<input type="checkbox"/> Location Map (if applicable)
	<input type="checkbox"/> 24 CFR Section 58.6 Requirements Supporting Documentation
	<input type="checkbox"/> Certification of Categorical Exclusion Project Not Subject to Sec. 58.5 Date: _____
	<input type="checkbox"/> Release of Funds (ROF) Date: _____
Determination: <input type="checkbox"/> Categorical Exclusion Not Subject to Sec. 58.5 [per 24 CFR Section 58.35(b)]	
Preparer Name: _____	
Signature _____	Date: _____

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24 CFR Section 58.6 Requirements

Airport Runway Clear Zones and Clear Zones Notification
[24 C.F.R. Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. **Attach Source Document:**
 (Project complies with 24 CFR 51.303(a)(3).)

Yes. **Notice must be provided to buyer.** The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. (for a sample notice, see http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14226.pdf) (attach a copy of the signed notice)

Runway
Clear Zones

Coastal Barrier Resources Act
[Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)]

Is the project located in a coastal barrier resource area?

No. **Cite or attach Source Document:** (<http://www.fws.gov/CBRA/Maps/index.htm#LocatorMaps>)
 (Proceed with project.)

Yes. Federal assistance may not be used in such an area.

Coastal
Barriers

Flood Disaster Protection Act*
[Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128)]

Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area?

No. **Attach copy of Flood Insurance Rate Map (FIRM)** (www.msc.fema.gov)

Yes. **Attach copy of Flood Insurance Rate Map (FIRM)** (www.msc.fema.gov)

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). (Attach a copy of the flood insurance policy declaration)

No. **Federal assistance may not be used in the Special Flood Hazards Area.**

Flood
Insurance

Per 24 CFR 58.6(a)(3), this requirement does not apply to State-administered CDBG, HOME, and ESG programs.

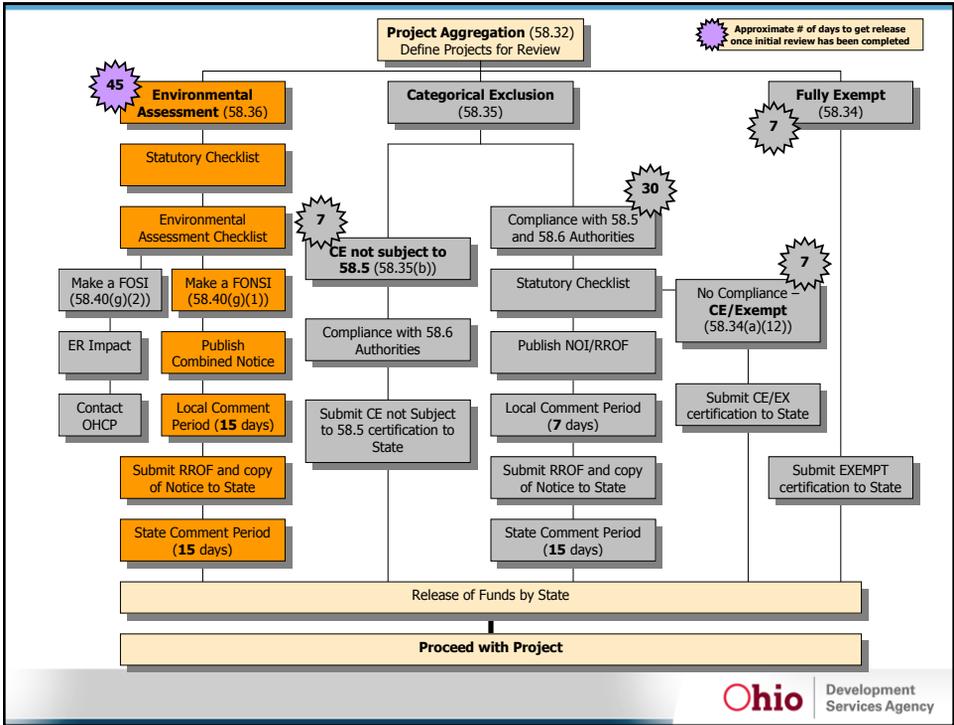

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Environmental Assessment



All projects **not**
Categorically Excluded
or Exempt


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Services Agency



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Environmental Assessment Worksheet

Grantee	
Grant Number	
Activity Name	
Activity Location	
Activity Description:	
Determination: <input type="checkbox"/> Finding of No Significant Impact (FONSI), whereby the Responsible Entity may proceed to Dissemination and publication of the FONSI, per regulations found at 24 CFR Section 58.43(a). <input type="checkbox"/> Finding of Significant Impact, whereby the Responsible Entity must proceed to develop an Environmental Impact Statement (EIS) in compliance with 24 CFR Part 58, Subparts F or G.	
Preparer Name: _____	
Signature _____	Date: _____

Ohio Development Services Agency



List of Attachments

<input type="checkbox"/> Location Map
<input type="checkbox"/> Site Photographs
<input type="checkbox"/> Copies of other Environmental Analyses (if applicable) List: _____
<input type="checkbox"/> Other Relevant Correspondence and Notifications (if applicable) List: _____
<input type="checkbox"/> Statutory Checklist Supporting Documentation
<input type="checkbox"/> Environmental Assessment Checklist Supporting Documentation
<input type="checkbox"/> Combined Notice: Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) Date: _____
<input type="checkbox"/> Request for Release of Funds (RROF) Date: _____
<input type="checkbox"/> Release of Funds (ROF) Date: _____
<input type="checkbox"/> Additional Documentation Describe: _____



Statutory Checklist Instructions:

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Environmental Assessment Checklist Instructions:

Evaluate the significance of the effects of the proposed activity on the character, features, and resources of the project area. Provide a narrative explanation and list of supporting documentation. **The narrative must explain decision-making and compliance procedures.** Attach all supporting documentation to this worksheet.

Environmental Assessment Checklist

Land Development		
Impact Category	Impact Code	Explanation and List of Source Documentation
Conformance with Comprehensive Plans and Zoning	-----	
Compatibility and Urban Impact	-----	
Slope	-----	
Erosion	-----	
Soil Suitability	-----	
Hazards and Nuisances Including Site Safety	-----	

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HUD Guidance

Environmental Assessment Factors Guidance

Date Published: October 2013

Description

One component of the environmental assessment is an analysis of the project's impacts on land development, socioeconomic factors, community facilities and services, and natural features. (See the Environmental Assessment Factors section of the recommended form.) This document provides guidance on how to analyze each of those factors.

Resource Links

[Environmental Assessment Factors Guidance](#) (PDF)

Cross Cutting Requirement:

- ▶ Environmental Review

Resource Approver:

- ▶ HUD Approved

Author Organization:

- ▶ HUD

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Community | **Environmental Review**

Community

2013 Lead-Based Paint Abatement Training Program

Training and Technical Assistance

Environmental Review

Civil Rights and Fair Housing

Federal Labor Standards

Uniform Relocation Act & Section 104(d) – Acquisition, Relocation, and Demolition

Procurement & Contract Management

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Environmental Review Technical Assistance

- Environmental Review Guide for Community Development Block Grant Programs **NEW** (PDF)
- Environmental Review Flow Chart (PDF)
- Environmental Review Process at a Glance (PDF)
- Definitions of Environmental Levels (PDF)
- Environmental Review Information Sheet: Tiered Reviews (PDF)
- Environmental Review Information Sheet: Environmental Review Resources on the Internet (Updated January 2014) (PDF)
- NEW**
- Environmental Review Information Sheet: Clarification Regarding the Treatment of Asbestos in Residential Demolition and Renovation Projects (PDF)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Environmental Review
Guide for Community
Development Block
Grant Programs

Ohio Development Services Agency

Combined Notice:
Finding of No Significant Impact (FONSI) &
Notice of Intent to Request Release of Funds
(NOI/RROF)

- Newspaper of general circulation, non-legal section
- ERR must be complete prior to publication
- 15-day comment period
- Submit RROF to State
- 15-day objection period



Continued Relevance

- Bases environmental findings on a past environmental review record (ERR)
- Phased projects, multi-year projects
- Original ERR must have been conducted by the same responsible entity
- Grantees may cite Continued Relevance for up to 6 years from the date of the original release of funds

Continued Relevance Worksheet

Grantee	_____
Grant Number	_____
Activity Name	_____
Activity Location	_____
Activity Description and Outcomes:	
List of Attachments	<input type="checkbox"/> Location Map
	<input type="checkbox"/> Environmental Review Record cited in Continued Relevance Determination
	<input type="checkbox"/> Previous Release of Funds (ROF) cited in Continued Relevance Determination Date: _____
	<input type="checkbox"/> Certification of Continued Relevance Date: _____
	<input type="checkbox"/> Release of Funds (ROF) Date: _____
Determination:	
<input type="checkbox"/> Continued Relevance (<i>Grantee previously conducted an environmental review, and received a Release of Funds, for the proposed activity within the past six years</i>)	
Preparer Name:	_____
Signature _____	Date: _____

Questions?

Environmental Assessment

Exempt

**Categorical Exclusion,
Subject to 58.5**

**Categorical Exclusion,
Subsequently Exempt**

Continued Relevance

**Categorical Exclusion,
Not Subject to 58.5**

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