

**CDBG-Disaster Recovery
(HURRICANE IRENE)
Program Handbook
Environmental Review**

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Preparing The Environmental Review Record For CDBG-Disaster Recovery Program Projects

The Environmental Review Record (ERR) for the CDBG-Disaster Recovery Program must be organized to document compliance with all regulatory requirements. These requirements, including laws, regulations and links to other resources, may be found by clicking on <http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm>

In this section you will find a description of the environmental review process and sample copies of required public notices, including relevant addresses, phone numbers, websites of environmental agencies and links to resources that may be needed in preparing the ERR. Grantees must satisfy HUD's environmental requirements prior to drawing down CDBG-Disaster Recovery funds.

The first step in preparing the ERR is to determine whether the proposed project activities are "Exempt", "Categorically Excluded", require an "Environmental Assessment", or if an "Environmental Impact Statement" is necessary. A flow-chart entitled "Environmental Review Process" is provided to outline the process for each type of review.

A. Exempt Activities (58.34(a)) - Activities that by their very nature have no effect on the environment are deemed Exempt. These activities include environmental and/or other planning studies, grant administrative or grant management activities, public services that do not have a physical impact on the environment, payment of principal or interest on property loans. A complete list of such activities may be found at 58.34(a).

If project activities consist solely of Exempt activities, the Grantee must provide [written documentation](#) of that determination to the Department of Community Affairs for concurrence. No further environmental review is required.

B. Categorically Excluded Activities (58.35) - Categorically Excluded Activities include a broad range of activities that are excluded from review under the National Environmental Protection Act (NEPA), but may be subject to compliance with related federal laws and authorities listed in 58.5.

Activities that are excluded under NEPA but subject to review by other authorities include: acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities; removal of architectural barriers to the handicapped and elderly; and rehabilitation of residential properties. A [Statutory Checklist](#) must be completed to assess and document compliance with all regulatory requirements. A complete list of such activities may be found at 58.35(a).

If the project consists of activities excluded from NEPA, and no further compliance is required by one or more related federal laws and authorities, the project is also considered "Categorically Excluded & Exempt". The Grantee must provide the Department with [written documentation of this determination](#). No further environmental review is required.

If your project is [Categorically Excluded](#) but subject to compliance with related federal laws and authorities, the Grantee must document that all such requirements are

satisfied (e.g. floodplain review, historic preservation). A complete Environmental Review Record, including a Notice of Intent to Request Release of Funds and a Request of Release of Funds, must be sent to the Department. The Department will issue a Release of Funds following its review of the ERR.

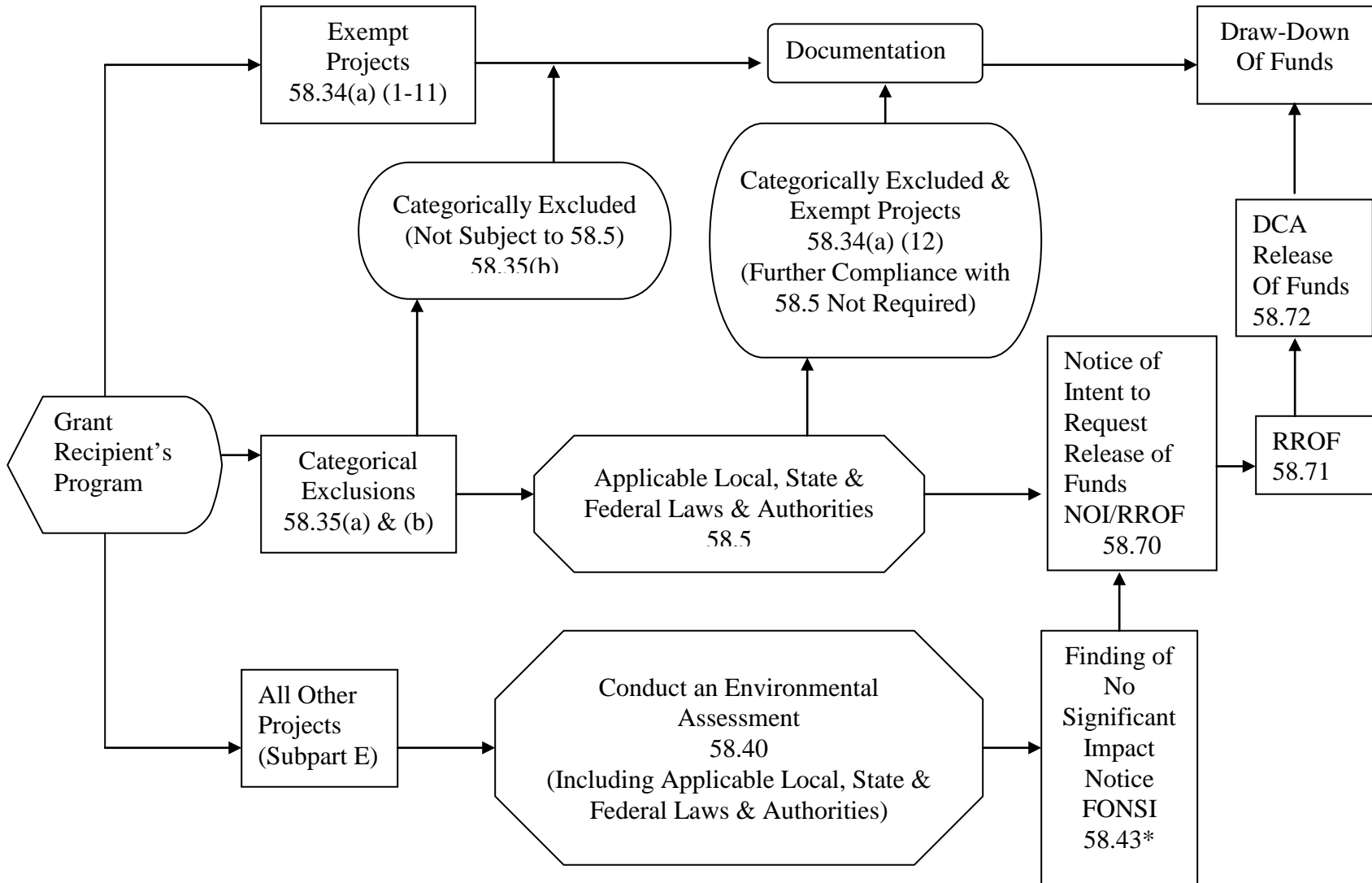
Activities that are Categorically Excluded and not subject to other federal laws and authorities include: economic development activities such as equipment purchase, interest subsidy, and other non-construction costs; activities to assist home-ownership such as closing costs, down-payment costs and interest buy-downs; and affordable housing pre-development costs that do not have a physical impact. A complete list of such activities may be found at 58.35(b). Following the award of assistance, no further approval from the Department will be needed with respect to the ERR.

C. Environmental Assessments (58.36) - If project activities are not Exempt or Categorically Excluded, the grantee must prepare an "[Environmental Assessment](#)" (EA). The full EA requirements may be found at 58.40.

If no significant impact areas are identified requiring further study, the Grantee must prepare and distribute a Finding of No Significant Impact (FONSI) to individuals and groups known to be interested in the project and to State and federal agencies having jurisdiction for review and comment (allow 18 days from mailing or posting). In addition, a FONSI notice must be published in a local newspaper requesting public comment (15 day comment period). A Notice of Intent to Request Release of Funds (NOI/RROF) must also be published and may be published jointly. The Grantee must consider all comments received and modify the project, if appropriate. A complete Environmental Review Record including public notices, comments and responses, must be sent to the Department along with a Request for Release of Funds. The Department will issue a Release of Funds following its review of the ERR.

Note: For all projects, in addition to the laws and authorities specified in 58.5, Grantees are responsible for addressing, where applicable, "other requirements" cited in 58.6.

**CDBG-Disaster Recovery Program
Environmental Review Process
24 CFR Part 58 (eff. 5/30/96)**



* You may publish a combination FONSI and NOI/RROF Notice to save time and cost.

Organizing The Environmental Review Record

The Environmental Review Record (ERR) must be maintained as a separate and identifiable file at the Grantee's location and include the following documentation.

Exempt Projects

- **Statement** describing the project and why it is exempt.
- [Notification to Department of Exempt Status](#)
- **Departmental Concurrence with Exempt Status**

Categorically Excluded & Exempt Projects

- **Table of Contents**
- **Project Description** that is specific and quantified. It must include the precise geographic location and boundaries of the project, the nature, scope and extent of project activities and the estimated cost of the project.
- **Explanation of Categorical Exclusion**
- [Statutory Checklist](#) including appropriate documentation for each checklist item.
- **Explanation of Exempt Status**
- [Notification to Department of Excluded/Exempt Status](#)
- **Departmental Concurrence with Excluded/Exempt Status**
- **Correspondence** from objectors or from those requesting information or environmental interpretation & Grantee replies.

Categorically Excluded Projects

- **Table of Contents**
- **Project Description** that is specific and quantified. It must include the precise geographic location and boundaries of the project, the nature, scope and extent of project activities and the estimated cost of the project.
- [Explanation of Categorical Exclusion](#)
- [Statutory Checklist](#) including appropriate documentation for each checklist item.

- [Notice Of Intent To Request Release Of Funds](#) and Proof of Publication.
- [Request for Release of Funds](#)
- **Departmental Approval of Request for Release of Funds**
- **Correspondence** from objectors or from those requesting information or environmental interpretation & Grantee replies.
- **DCA Correspondence** concerning the ERR.

Other Projects Requiring NEPA Compliance (Environmental Assessment)

- **Table of Contents**
- **Project Description** that is specific and quantified. It must include the precise geographic location and boundaries of the project, the nature, scope and extent of project activities and the estimated cost of the project.
- [Statutory Checklist](#) including documentation concerning each checklist item.
- [Environmental Assessment Checklist](#) including documentation concerning each checklist item.
- [Notice Of Finding of No Significant Impact \(FONSI\) and Notice Of Intent To Request Release Of Funds \(NOI/RROF\)](#) and Proof of Publication (It is recommended that you use a combined notice to save time and cost of publication.)
- **Proof that FONSI Notice was distributed** to individuals and groups known to be interested in the project activities as well as to appropriate local, State and federal agencies, e.g., the Environmental Protection Agency.
- **Public Comments & Correspondence** from objectors or from those requesting information or environmental interpretation. Responses to public comments and correspondence, including project modifications made as a result of such comments must be included in the ERR.
- [Request for Release of Funds](#)
- **DCA Approval of Request for Release of Funds & Environmental Certification**
- **DCA Correspondence** concerning the ERR.

Advisories

Required Maps

In order to accurately determine the location of CDBG-Disaster Recovery projects with respect to wetlands and flood plains, it will be necessary to include photocopies of the appropriate maps with project locations indicated. The required maps are:

Wetland: Freshwater Wetlands Inventory Maps prepared by the United States Department of the Interior. These maps may be obtained from:

Department of Environmental Protection
Maps & Publications Sales Office
PO Box 438
Trenton, New Jersey 08625
(609) 777-1038

www.state.nj.us/dep/njgs

Floodplain: Flood Plain Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA). These maps may be obtained from:

Federal Emergency Management Agency
Flood Maps Distribution Center
P.O. Box 1038
Jessup, Maryland 20794-1038

www.fema.gov

These maps must be included in all environmental review records, except when the project is “exempt” from the requirements of the National Environmental Protection Act (NEPA) and related federal authorities. Photocopies in the standard 8X10 letter size are acceptable, and the project site may be indicated with an “X” or similar mark.

Floodplain Management Executive Order 11988, 24 CFR 55, Floodplain Management and Flood Disaster Act of 1973

The Executive Order establishes floodplain management as a national priority and requires federal agencies to protect the values and benefits of floodplains and reduce the risks of flood losses by not conducting, supporting or allowing actions located in a floodplain unless it is the only practicable alternative. Federal agencies are directed to take certain steps “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable

alternative". If any portion of the proposed project is located in a 100-year floodplain (or a 500-year floodplain for a Critical Action), certain measures must be undertaken to minimize potential harm to the floodplain. Grantees must complete an 8-Step Decision-Making Process before completing the regular environmental review process.

NOTE: Housing Rehabilitation of one-to-four unit family properties is exempt from the 8-Step Decision-Making Process, if the cost of rehabilitation is less than 50% of the market value of the structure. However, units located on a floodplain must be covered by Federal Flood Insurance. For further information see 24 CFR 58.6(a)(1).

E.O. 11988 applies to all projects located in areas subject to inundation by a flood with a 1% chance of occurrence in any given year (100-year floodplain). Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) floodplain maps are used to determine the location of 100-year floodplains.

For more information regarding floodplain management, including the 8-Step Decision-Making Process (24 CFR 55.20), click on <http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm> and related links.

Wetlands Protection Executive Order 11990, Protection of Wetlands, 24 CFR 55

The Executive Order establishes the protection of wetlands as a national priority and requires all federal agencies to refrain from supporting construction in wetlands wherever there is a practicable alternative. The Executive Order directs agencies to take certain steps "in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative".

If it is determined that there is no practicable alternative to the use of wetlands for a project site, a Grantee must act to reduce the adverse impacts on the wetlands. Grantees are required to implement the "8-Step Decision-Making Process" described in 24 CFR 55.

Noise And The Environmental Review Record

As a general rule the implementation of a typical CDBG-Disaster Recovery project generates a noise usually attributable to construction equipment. However, it is not this noise that is the major concern. Instead it is the impact of noise upon the project that must be identified, evaluated and mitigated in the project design.

Certain types of projects are not affected by noise. Projects such as roads, sewers, and water lines are not noise sensitive; projects that construct or improve housing or places where people congregate or work are. The intent of these regulations is to

protect those using such facilities from the effects of such noise generators as highways, trains and airports. These effects may be significantly reduced or avoided by taking appropriate steps in designing and locating facilities constructed with federal funds.

Projects located within 15 miles of a civilian airport with significant jet traffic (scheduled take-off and landing of airplanes with wing spans greater than 80 feet) might be affected by noise. The environmental assessment must contain an airport noise evaluation that will be based largely upon a noise contour map. These maps exist for almost every airport in New Jersey and provide a “tell-at-a-glance” method of determining acceptable noise levels.

If a project site is located within 15 miles of an airport that does not have regular jet airliner service, the airport activities may be described but a contour map may be substituted to show the affected areas, which are generally quite small. The sample map that follows is typical and shows clearly that the project is not affected by airport noise. With respect to military airports, a noise contour map must be included when the project is within 15 miles due to the extraordinary noise generated by military aircraft.

While jet ports in New Jersey are few, roads are not, and they often produce significant amounts of noise. There are three types of roads: arterials, collector streets, and residential streets.

Roads generating the most noise are arterials. These roads are designed with controlled or limited access and provide for high speed travel for cars and trucks. Collector streets link residential streets to highways and arterial roads and make possible higher speed travel than on residential streets. Collector streets can produce significant noise depending on residential traffic volume and must be considered in the environmental assessment. Residential streets provide access to residences and need not be evaluated as a noise source.

Other factors should also be considered. Heavy truck traffic generates the most noise, especially if a grade is involved. Intersections, also, are noisy because of the added sound produced by acceleration. Night time traffic volume is weighted more heavily than daytime traffic in noise evaluations.

When evaluating traffic noise it is essential to remember that the roadway must be in direct line of sight of the project. Anything in between, man-made or natural, significantly reduces traffic noise. Important numbers to remember are 1000 cars and/or 100 heavy trucks per day, passing the project site. If there are fewer of either, an evaluation may not be necessary at all. For identifying roadway types consult municipal or county master plans that contain maps such as those shown on the following pages. Traffic counts may be obtained from municipal engineers, local planning agencies, or the New Jersey Department of Transportation, Bureau of Traffic Counts.

Railroads represent the least problematic noise producers. Railroads produce noise in two ways: the sound of diesel locomotives, and the sound of railroad cars (including

rapid transit) passing by (wind and rail sounds). Electric motors that power rapid transit systems do not produce significant noise unless they are very close (less than 100 feet).

As with vehicular noise, railroads must be in direct line of sight of the project in order to be a factor. If the rail line is in a sunken bed or if there are man-made or natural barriers between it and the project, chances are it will not have to be evaluated. Diesel engines on the other hand make a lot of noise and can be a problem with as few as 3 operations per day if the project site is within 40 feet of the track.

In summary, there are 3 noise sources that cause concern:

1. Airports -- mainly jets;
2. Roadways -- arterial types with heavy trucks; and
3. Railroads -- diesel engines.

Distances mitigate against noise, as do natural objects, man-made objects, and common construction techniques. Even if the outside noise level is considered undesirable (over 65 dbAs), insulation, storm windows, and/or other permanent improvements, such as air conditioning, can reduce inside noise levels to acceptable standards.

Historic Preservation Section 106 Application Requirements

Section 106 of the National Historic Preservation Act requires that every federal agency consider how each of its undertakings could affect historic properties. According to regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) the federal agency or its designee must first obtain the comments of the State Historic Preservation Office (SHPO).

The NJ Department of Community Affairs (DCA) is responsible for distributing CDBG funds received from the US Department of Housing and Community Development (HUD) to eligible units of local government. In turn, each grantee is responsible for complying with all laws and assurances associated with the CDBG Program.

CDBG-Disaster Recovery grantees must review the National and State Registers of Historic Places to determine if properties are either listed or eligible for listing on the National Register. In addition, grantees must review local historic and cultural inventories and consult the local historic commission and county cultural and historic commission to determine whether the proposed project will affect properties of historic, cultural or archaeological significance.

Grantees are required to submit findings and a brief report to the SHPO for review and comment. The information is transmitted directly to that office. A receipt certifying the date of delivery must be obtained by the grantee directly from the SHPO. A registered mail receipt will not be considered satisfactory documentation, since mail is delivered to

the State mailroom and may not necessarily reach the SHPO in a timely manner. Acceptable proof of delivery will be included as part of the grantee's Environmental Review Record (ERR), along with a copy of the information provided to the SHPO for review and comment.

The review process for housing and commercial rehabilitation programs varies from the standard process, because these programs involve multiple projects and because individual properties that will be affected are not known at the time review is initiated. The affected properties become known only as individual property owners apply.

Therefore, a two-step review process has been developed. In the first step, the grantee applies for approval of the program in general, identifying the federal source of funding (HUD), the nature of the project, and the project area. In the second step, the grantee submits individual projects for review, using the attached form letter, accompanied by a photograph of the building and a brief work write-up describing what is proposed to be done to the building.

Step One: Project Description

The program is described in terms of the agencies involved (HUD, DCA, local agency) and the nature of the program (housing, commercial rehabilitation, new construction).

The project area is clearly delineated on a map taken from the US Geological Survey, Topographic Series. This may be in the form of an 8 1/2 X 11 inch portion of the map or a very sharp reproduction. Quadrangle title must be specified. These maps are available at most local, county and university libraries.

The description of the project must include a statement of its possible effect on historic properties (no effect, no adverse effect, or adverse effect). This requires that the sub-grantee consult the New Jersey and National Registers of Historic Places and any available cultural resource survey to identify properties listed or potentially eligible for listing in the project area. (Copies of surveys are available at County Cultural and Heritage Commissions and the SHPO.)

If a survey for the project area has been checked in addition to the New Jersey and National Historic Registers and no properties are listed or eligible, no further review is required beyond Step One.

If a resource in the project area has not been listed or surveyed, its eligibility must be evaluated. This must be done in all cases involving exterior work on structures 50 years old or more. The sub-grantee must provide the SHPO with the information necessary to evaluate whether the property does or does not meet the criteria for eligibility as follows:

- Photograph(s) of all structure(s) and, in the case of an eligible historic district, of the streetscape. Each photo should be sharp, clear, labeled, numbered, and keyed to a project site map.

- Written description of each structure or of representative buildings in the project area, including approximate date of construction, architectural description of exteriors, previous alterations to the building, former uses, and historic significance.

Step Two: Determining the Effect

For all projects that are identified as listed in or potentially eligible for listing in the State or National Register, additional information must be submitted. A photograph of the building with a brief work write-up is usually sufficient. For cleaning and re-pointing of masonry, outline specifications are required.

The SHPO will respond with a letter signed by the SHPO Deputy State Historic Preservation Officer regarding the effect of the project.

- For a determination of no effect, no further review is required.
- A determination of no adverse effect requires concurrence from the SHPO and may require alternatives to avoid, or conditions to minimize, the effect.
- A determination of adverse effect requires the agency official to consult with the SHPO to explore ways to avoid the adverse effect, and if avoidance is not possible, measures to mitigate the adverse effect. These measures are formalized in a Memorandum of Agreement. The agency official must also notify the:

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Suite 803
Washington, D.C. 20004

which may participate in the consultation.

**DCA CDBG-Disaster Recovery CDBG Program
Form Letter for Section 106 Review of Individual Properties**

Date

Deputy State Historic
Preservation Officer
NJ Historic Preservation Office
Division of Parks & Forestry
501 East State Street, 4th floor
PO Box 404
Trenton, NJ 08625

Dear

The (City) (County) of _____ intends to provide assistance to the following property owner through its CDBG-Disaster Recovery Program, funded with HUD Community Development Block Grant funds, administered by the NJ Department of Community Affairs.

Name:

Address: _____

Age of Structure: _____ Photo Attached: _____

Scope of
Work: _____

In accordance with Section 106 of the National Historic Preservation Act, I request your concurrence that the proposed undertaking will have (no effect) (no adverse effect) on the resources listed in, or eligible for inclusion in, the National Register of Historic Places.

Sincerely,

Program Director

New Jersey Sources Of Environmental Data

Air Quality	NJ DEP Air Quality & Surveillance Annual monitoring data -- (609) 292-0138 State Plan Implementation --(609) 292-6722
Coastal Zone	Land Use Regulation CAFRA Applicability (609) 292-1235
Fish/Wildlife Endangered Species	Division of Fish, Game & Wildlife, NJ DEP, PO Box 400, Trenton, NJ 08625-0400 (609) 292-9410
Floodplain	Federal Emergency Management Agency 1-800-358-9616 www.fema.gov
Wetlands	Department of Environmental Protection (609) 777-1038 www.state.nj.us/dep/njgs
Hazardous Waste	Site Information Program, (800) 253-5647 or (609) 984-3081
Historic	Historic Preservation Office--(609) 292-1253; 777-3930 www.state.nj.us/dep/hpo
Noise	NJ DOT, Bureau of Traffic Counts, (609) 530-3508; For information regarding noise contour maps, contact NJ Division of Aeronautics, (609) 530-2900
Soil Surveys	US Department of Agriculture, 1370 Hamilton Street PO Box 219, Somerset, NJ 08873 (732) 537-6040
Solid Waste Disposal	Local sanitation department or engineer
Water Quality	Compliance with Section 208 of the federal clean water act Contact local engineer and/or NJ Division of Water Quality (609) 292-4543 www.state.nj.us/dep/dwq
Wild & Scenic	National Parks Service, Stewardship & Partnerships Team, 200 Chestnut Street, 3rd Floor, US Custom House, Philadelphia, PA 19106 Attn: Joe Dibello, (215) 597-1581 www.nps.gov/chal/sp E-Mail: joe_dibello@nps.gov

Key Addresses For Fonsi Notice

Dorothy P. Guzzo, Administrator
State Historic Preservation Office
Division of Parks and Forestry
PO Box 404
Trenton, NJ 08625-0404

Telephone: (609) 292-1253
Web Address: www.state.nj.us/dep/hpo

Program Coordination Unit
NJ Department of Environmental Protection
PO Box 418
Trenton, NJ 08625-0418

Telephone: (609) 292-2662

Environmental Review Section
Environmental Planning and Protection
US Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

Telephone: (212) 637-3504
Fax: (212) 637-3771
Web Address: www.epa.gov/region02

Key Addresses For Floodplain And Wetland Public Notices

Should project activities be located within a 100-year floodplain (500-year floodplain for a Critical Action), or in a wetland, the following agencies must receive public notices as described in steps 2 & 7 of the 8 Step Decision-Making Process.

Environmental Officer
HUD/ NJ State Office
One Newark Center
Newark, New Jersey 07102

Community Planner
Federal Emergency Management Agency
26 Federal Plaza, Room 1319
New York, NY 10278

Environmental Review Section
Environmental Planning and protection
US Environmental Protection Agency
Region II
290 Broadway
New York, NY 10007-1866

NJ Department of Environmental Protection
Bureau of Floodplain Management
PO Box 404
Trenton, NJ 08625-0404

Director, County Planning Board

Emergency Management Coordinator (Local Municipality)

Finding of Exemption from 24 CFR Part 58
Environmental Review Requirements

It is the finding of the (Municipality/County), that the following activities included in the CDBG-Disaster Recovery Community Development Block Grant Program Agreement (Cite GA Number) are exempt from environmental review requirements. These activities are exempt as defined under 24 CFR Part 58.34 and consist solely of:

(Identify each activity and the citation from 58.34(a) that makes it exempt.)

Signature of Certifying Officer

Date

Print Name/Title

**Finding of Categorical Exclusion from 24 CFR Part 58
Environmental Review Requirements**

It is the finding of the (Municipality/County) that the following activities included in the CDBG-Disaster Recovery Community Development Block Grant Program Agreement (Cite GA Number) are categorically excluded from environmental review requirements. These activities are categorically excluded and not subject to review under 58.5 as defined in 24 CFR Part 58.35(b) and consist solely of:

(Identify each activity and the citation under 58.35(b))

Signature of Certifying Officer

Date

Print Name/Title

Finding of Categorical Exclusion from 24 CFR Part 58
Environmental Review Requirements

It is the finding of the (Municipality/County) that the following activities included in the CDBG-Disaster Recovery Program Agreement (Cite GA Number) are categorically excluded from environmental review requirements because they are listed as categorical exclusions in Section 58.35(a) consisting solely of:

(Identify each activity and the citation under 58.35(a).)
(Cite other activities as well and provide the citation under 58.35(a), 58.35(b), and/or 58.34)

Signature of Certifying Officer

Date

Print Name/Title

Finding of Categorical Exclusion
&
Finding of Exemption from 24 CFR Part 58
Environmental Review Requirements

It is the finding of the (Municipality/County) that the following activities included in the CDBG-Disaster Recovery Community Development Block Grant Program Agreement (Cite GA Number) are categorically excluded and/or exempt from environmental review requirements. These activities are categorically excluded as defined under 24 CFR Part 58.35(a) and are exempt as defined under 24 CFR Part 58.34 (a) (12) and consist solely of:

(Identify each activity and the citation under 58.35(a))

Signature of Certifying Officer

Date

Print Name/Title

Sample Notice – Floodplain

Notice of Early Public Review

The _____ (*Name of Municipality /County*) is proposing to expend federal funds in an area that is subject to flooding as identified by the Federal Insurance Administration. The subject funds are from the CDBG-Disaster Recovery Community Development Block Grant Program which is administered by the New Jersey Department of Community Affairs and funded under Title I of the Housing and Community Development Act of 1974, as amended. (*Include any other federal funds as applicable.*)

The _____ (*Name of Municipality/County*) is proposing to

(Describe the project including the specific location.)

The purpose of this Notice is to comply with Executive Order 11988, Floodplain Management, by giving early notice to interested agencies, groups and persons. The _____ (*Name of Municipality/County*) is desirous of considering any feasible alternatives or adjustments to the anticipated project that might minimize any potential adverse effects upon the floodplain as a result of this project.

The _____ (*Name of Municipality/County*) has additional information concerning this project available for review and copying upon request at _____ (*address*). Any comments relative to this proposed expenditure of federal funds in an area identified as a flood hazard area should be submitted in writing to _____ (*Name and Address of Chief Executive Officer*) on or before _____ (*Date must be at least 15 days after the publication date.*)

Sample Notice - Floodplain

Notice of Explanation of Project Location

The _____ (*Municipality/County*) has determined that there is not a practical alternative to locating the proposed CDBG-Disaster Recovery Community Development Block Grant Program project _____

(Briefly describe the project.)
in a floodplain. The improvements must be located in the floodplain because _____

(State reason why the project must be located in a floodplain; discuss alternatives, including the no-action alternative considered; and indicate what positive and negative effects on the floodplain will result from the project.)

No adverse comments were received after the publication of the Public Notice for Early Public Review on _____ (*Date of Publication*).

By publication of this Notice, the _____ (*Municipality/County*) is inviting any final comments prior to undertaking the proposed action in a floodplain. All comments must be addressed to _____

_____ (*Name and address of Chief Executive Officer*)
no later than _____ (*Enter date 15 days after publication*).

Sample Notice

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name, Address and Telephone Number of Grantee

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

REQUEST FOR RELEASE OF FUNDS

On or about (*at least one day after the end of the comment period*) the (*Name of Grantee*) will submit a request to the New Jersey Department of Community Affairs (NJDCA) to release funds under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383), for the following project:

Name of Project

Purpose or Nature of Project

Project Location - City/County/State

(Must include a precise geographical location and boundaries of each project)

Estimated Cost of Project

An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at (*Name & Address of Grantee's office where ERR can be examined*) and may be examined or copied weekdays __ A.M. to __ P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the (*Grantee's designated office responsible for receiving and responding to comments*). All comments received by (*Notice date plus seven days*) will be considered by the (*Name of Grantee*) prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The (*Name of Grantee*) certifies to the NJDCA that (*Name of Certifying Officer*) in his/her capacity as (*Official Title*) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. NJDCA's approval of certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the (*Name of Grantee*) to use *Program funds*.

OBJECTIONS TO RELEASE OF FUNDS

NJDCA will accept objections to its release of funds and the (*Name of Grantee*)'s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the (*Name of Grantee*); (b) the (*Name of Grantee*) has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by NJDCA; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to NJDCA at CDBG-Disaster Recovery Program, Division of Housing & Community Resources, PO Box 806, Trenton, NJ 08625. Potential objectors should contact NJDCA to verify the actual last date of the objection period.

Name & Title of Grantee's Certifying Officer

Sample Notice

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name, Address and Telephone Number of Grantee

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the *(Name of Grantee)*

REQUEST FOR RELEASE OF FUNDS

On or about *(at least one day after the end of the comment period)* the *(Name of Grantee)* will submit a request to the New Jersey Department of Community Affairs (NJDCA) to release funds under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383), for the following project:

Name of Project

Purpose or Nature of Project

Project Location - City/County/State

(Must include a precise geographical location and boundaries of each project)

Estimated Cost of Project

FINDING OF NO SIGNIFICANT IMPACT

The *(Name of Grantee)* has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at *(Name & Address of Grantee's office where ERR can be examined)* and may be examined or copied weekdays __ A.M. to __ P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to submit comment on the project may submit written comments on the ERR to the *(Grantee's designated office responsible for receiving and responding to comments)*. All comments received by *(Notice date plus fifteen days)* will be considered by the *(Name of Grantee)* prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The *(Name of Grantee)* certifies to the NJDCA that *(Name of Certifying Officer)* in his/her capacity as *(Official Title)* consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. NJDCA's approval of certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the *(Name of Grantee)* to use *Program funds*.

OBJECTIONS TO RELEASE OF FUNDS

NJDCA will accept objections to its release of funds and the *(Name of Grantee)*'s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the *(Name of Grantee)*; (b) the *(Name of Grantee)* has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by NJDCA; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to NJDCA at CDBG-Disaster Recovery Program, Division of Housing & Community Resources, PO Box 806, Trenton, NJ 08625. Potential objectors should contact NJDCA to verify the actual last date of the objection period.

Name & Title of Grantee's Certifying Officer

**NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
CDBG-DISASTER RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM**

**REQUEST FOR RELEASE OF FUNDS
AND CERTIFICATION**

(Pursuant to Section 104(g) of Title I, Housing & Community Development Act of 1974)

Part I. Program Description and Request for Release of Funds

1. Name of Grantee	2. Grant Agreement Number
3. Grantee's Address (Including Street, City, State and Zip Code)	4. Date of Request/Certification

The CDBG-Disaster Recovery Community Development Block Grant Program Grantee listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following:

5. Project Activity/Project Name:	6. Location: (Street address, city, county & state)
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7. Program Activity/Project Description:
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Part II. Environmental Certification

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

1. The Grantee has assumed responsibility for and complied with, or will continue to comply with, the National Environmental Policy Act of 1969, as amended; the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5 and 24 CFR 58.6; and applicable State and Local laws.
2. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found the project did did not require the preparation and dissemination of an environmental impact statement.
3. The Grantee has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.60 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or provide evidence of posting and mailing procedure.
4. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58

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

5. I am authorized to and do consent to assume the status of federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 and 24 CFR 58.6 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and actions that have been assumed by the Grantee.
6. I am authorized to and do accept, on behalf of the Grantee personally, the jurisdiction of the federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the Grantee.

Signature of Certifying Officer of the Grantee:	Title of Certifying Officer:
	Date Signed:
Address of Certifying Officer:	

**Computation Of Time Requirements For Combined Or Concurrent
Notices
Notice of Finding of No Significant Impact &
Notice of Intent to Request Release of Funds**

E x a m p l e

1. Date of Notice and Date of Newspaper Publication:
Monday, April 13
2. Time Period for Receipt of Public Comments:
12:01 a.m. Tuesday, April 14 to 12:00 p.m. (Midnight) Tuesday, April 28
3. Deadline Date for Receipt of Public Comments Indicated in Notice(s):
Tuesday, April 28
4. Earliest Date for Applicant's Submittal of the Request for Release of Funds and Certification to DCA:
Wednesday, April 29
5. Earliest Date of Receipt by DCA of Applicant's Request and Certification:
Wednesday, April 29
6. Statutory 15 - Day Period for DCA Approval or Disapproval Decision:
12:01 a.m. Thursday, April 30 to 12:00 p.m. (Midnight) Thursday, May 14
7. Deadline Date for Receipt by DCA of Objections to Applicant's Request and Certification:
Thursday, May 14

(TOTAL NUMBER OF DAYS, APRIL 13 TO MAY 14 INCLUSIVE: 32 DAYS)
8. Earliest Possible Date for DCA Notification of Approval or Disapproval:
Friday, May 15

Note: These dates may vary by a few days depending if they fall on weekends or holidays.