

Environmental Review Guide

ADECA's CED Grants

This document contains information and links to information that can assist in conducting and preparing an Environmental Review Record (ERR) and the required documentation. The information provided here is not intended to be all inclusive and only serves as a possible form of documentation.

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INTRODUCTION

All grants funded by the Department of Housing and Urban Development (HUD) are subject to the provisions of the National Environmental Policy Act of 1969, as amended (NEPA). Grants funded under the Community Development Block Grant (CDBG) Program as subject to additional regulations found at 40 CFR Parts 1500 through 1508. The primary purpose of the laws and authorities governing the environmental process is to establish national policy, goals and procedures to protect, restore and enhance environmental quality. Programs funded or assisted by the State with Federal money (HUD) must consider impacts on the environment and be consistent with Federal programs and policies. An Environmental Review Record (ERR) is required to be established for each project. An ERR is a concise public record containing original documentation related to the environmental review, decision-making, and activities undertaken in a project. The ERR must be available to the public upon request at the Responsible Entity's location; County Courthouse or City/Town offices. It is a legal document and the best, and often only, defense to prove compliance with applicable laws and regulations.

I. LEVELS OF REVIEW

There are five (5) possible Levels of Review and they are all subject to the laws, regulations and authorities located in the Code of Federal Regulations (CFR) Title 24, Part 58.

Those levels are:

- | | |
|--|-------------|
| 1. Exempt | [§58.34] |
| 2. Categorically Excluded Subject to §58.5 | [§58.35(a)] |
| 3. Categorically Excluded Not Subject to §58.5 | [§58.35(b)] |
| 4. Environmental Assessment | [§58.36] |
| 5. Environmental Impact Statement | [§58.37] |

The Level of Review a project is subject to is determined by the activities that are planned for the project. To properly determine what Level of Review the project requires, consult 24 CFR Part 58. The regulation containing the list of activities included in that Level of Review are contained in the brackets listed above. An online version of these regulations can be found [here](#).

The section below contains a sample of the types of activities that generally apply to the given Level of Review (please refer to the regulations listed above for the complete list of activities) and a list of the forms that are required to be completed to complete an environmental review.

1. EXEMPT

A complete list of *Exempt* activities can be found in regulation §58.34. Some of those activities include Environmental Studies, Plan/Strategy Development, Tool Purchases and Engineering Costs. If it has been determined that a project requires an *Exempt* Level of Review, complete the following forms and ensure that the Signature Dates (if required) follow the requirements as given below.

1. [Finding of Exemption form \(ENV-FOE\)](#)
2. [Other Requirements Checklist form \(ENV-ORC\)](#) Date when completed
3. [Level of Review Determination form \(ENV-LRD\)](#) * Date **SAME AS** or **AFTER** the ENV-ORC

*- Required to be submitted to ADECA

Submittal Date **SAME AS** or **AFTER** ENV-LRD

2. CATEGORICALLY EXCLUDED SUBJECT TO §58.5

A complete list of Categorically Excluded Subject to §58.5 (*CEST*) activities can be found in regulation §58.35(a). Some of those activities include Infrastructure Rehabilitation, ADA Barrier Removal, Structure Rehabilitation and Structure Demolition. When a project requires a *CEST* Level of Review the reviewer must complete the Categorically Excluded Subject to §58.5 form (ENV-CEST) first. It cannot be determined if a project converts to *Exempt* without first completing the ENV-CEST form. The two (2) most common outcomes are that: the Review requires public notification through the “*Notice of Intent to Request Release of Funds*” **OR** it converts to *Exempt* status due to checking “NO” for all laws, regulations and authorities found in the Statutory Checklist. If it is determined that public notification is required, complete the requirements listed under 2A below. If it is determined that the project can convert to Exempt, complete the requirements listed under 2B below.

2A. CATEGORICALLY EXCLUDED SUBJECT TO §58.5

If you answered “YES” to *ANY* of the laws, regulations or authorities found on the Statutory Checklist then complete the following forms and ensure that the Signature Dates (if required) follow the requirements as given below.

- | | |
|--|---|
| 1. Categorically Excluded Subject to from (ENV-CEST) | Date when completed |
| 2. Floodplain Notices (if required) * | |
| 3. Other Requirements Checklist form (ENV-ORC) | Date SAME AS or AFTER the ENV-CEST |
| 4. Notice of Intent (ENV-NOI) and affidavits of publication or posting * | Date SAME AS or AFTER the ENV-ORC |
| 5. Request for Release of Funds and Certification form (ENV-RROF) * | Date SAME AS or AFTER what’s in ENV-NOI |
| 6. Level of Review Determination form (ENV-LRD) * | Date SAME AS or AFTER the ENV-RROFC |
- *- Required to be submitted to ADECA Submittal Date **SAME AS** or **AFTER** ENV-LRD

2B. CATEGORICALLY EXCLUDED SUBJECT TO §58.5 CONVERTS TO EXEMPT

If you answered “NO” to *ALL* the laws, regulations or authorities found on the Statutory Checklist then complete the following forms and ensure that the Signature Dates (if required) follow the requirements as given below.

- | | |
|--|--|
| 1. Categorically Excluded Subject to from (ENV-CEST) | Date when completed |
| 2. Other Requirements Checklist form (ENV-ORC) | Date SAME AS or AFTER the ENV-CEST |
| 3. Level of Review Determination form (ENV-LRD) * | Date SAME AS or AFTER the ENV-CEST |
- *- Required to be submitted to ADECA Submittal Date **SAME AS** or **AFTER** ENV-LRD

3. CATEGORICALLY EXCLUDED NOT SUBJECT TO §58.5

A complete list of Categorically Excluded Not Subject to §58.5 (*CENST*) activities can be found in regulation §58.35(b). Some of those activities include Supportive Services, Operating Costs, and Equipment Purchases. If it has been determined that the project requires a *CENST* Level of Review, complete the following forms and ensure that the Signature Dates (if required) follow the requirements as given below.

- | | |
|---|---|
| 1. Categorically Excluded Not Subject to form (ENV-CENST) | Date when completed |
| 2. Other Requirements Checklist form (ENV-ORC) | Date SAME AS or AFTER the ENV-CENST |

3. [Level of Review Determination form \(ENV-LRD\)](#) *

Date SAME AS or AFTER the ENV-CENST

*- Required to be submitted to ADECA

Submittal Date SAME AS or AFTER ENV-LRD

4. **ENVIRONMENTAL ASSESSMENT**

If it has been determined that the project is not “Exempt” or “Categorically Excluded” under §58.34 and §58.35, prepare an Environmental Assessment (EA). Complete the following forms and ensure that the Signature Dates (if required) follow the requirements as given below.

1. [Environmental Assessment form \(ENV-EA\)](#)

Date when completed

2. [Floodplain Notices](#) (if required) *

3. [Other Requirements Checklist form \(ENV-ORC\)](#)

Date SAME AS or AFTER the ENV-EA

4. [Combined Notice \(ENV-CN\)](#) and affidavits of publication/posting * Date SAME AS or AFTER the ENV-ORC

5. [Request for Release of Funds and Certification form \(ENV-RROF\)](#) * Date SAME AS or AFTER what’s in ENV-CN

6. [Level of Review Determination form \(ENV-LRD\)](#) *

Date SAME AS or AFTER the ENV-RROFC

*- Required to be submitted to ADECA

Submittal Date SAME AS or AFTER ENV-LRD

5. **ENVIRONMENTAL IMPACT STATEMENT**

An Environmental Impact Statement (EIS) is required when the project is determined to have a potentially significant impact on the human environment. An EIS is required under any of the following circumstances:

1. The project would provide a site or sites for, or result in the construction of, hospitals or nursing homes containing a total of 2,500 or more beds.
2. The project would remove, demolish, convert or substantially rehabilitate 2,500 or more existing housing units (but not including rehabilitation projects categorically excluded under §58.35), or would result in the construction or installation of 2,500 or more housing units, or would provide sites for 2,500 or more housing units.
3. The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units. The project does not have to be specifically intended for residential use nor does it have to be totally new construction. If the project is designed to provide upgraded service to existing development as well as to serve new development, only that portion of the increased capacity which is intended to serve new development should be counted.

Since the vast majority of CDBG, ESG and HOPWA projects either do not meet these thresholds or use previously conducted EIS’s from other entities, this level of review is rarely needed. See 24 CFR 58.37 for more information on how and when to conduct an EIS or contact the ADECA Environmental Officer.

II. **OTHER REQUIREMENTS @ 58.6**

Form ENV-ORC

All projects funded through CDBG, ESG and HOME funds are subject to the laws and authorities listed at 24 CFR 58.6. ***Every*** project, regardless of complexity, must comply with the regulations. These laws and authorities can be cleared by completing the Other Requirements Checklist form (ENV-ORC). Below, the *Other Requirements* have been detailed along with guidelines on the simplest method of documentation showing that each item on the list has been cleared environmentally. HUD has provided guidance on the HUD Exchange that gives a detailed introduction to the regulation or authority as well as their method of clearing that regulation or authority and what is considered as proper compliance and documentation.

Flood Insurance

Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). Steps on how to clear this regulation are provided below.

These regulations do not apply to HUD financial assistance in the form of formula grants to states, including financial assistance under the State-administered CDBG Program and Emergency Shelter Grant amounts allocated to States and HOME funds provided to a state under Title II of the Cranston-Gonzalez National Affordable Housing Act per 24 CFR §55.1(b)(1), §58.6(a)(3) and 42 USC 4003(a)(3) and formula based Appalachian Regional Commission (ARC) programs. The required forms should already have this field prepopulated with this information. If not, contact the ADECA Environmental Officer.

Coastal Barrier Resources

The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance. Steps on how to clear this regulation are provided below.

1. Use the map below (or use the website below to create your own map) to determine if the project area is located within a CBRS unit.
2. If the project ***IS NOT*** located in a CBRS unit, ***MARK & LABEL*** your project's location on the map and place a copy in the ERR. Documentation is complete.
3. If the project ***IS*** located in a CBRS unit, contact the U.S. Fish & Wildlife Service for approval. Place all correspondence and concurrence in the ERR. Documentation is complete.

- [CBRS Unit Proximity Map](#)
- [CBRS website](#)

Airport Hazards

It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields. The policy can be found at 24 CFR 51, Subpart D. Applicable airports are designated in the National Plan of Integrated Airport Systems. A list of these civilian airports and military airfields can be found below as well as a Google Earth file that contains the locations of both types of airports. Steps on how to clear this regulation are provided below.

1. Determine if the project activities involve the major rehabilitation of, the new construction of, or significantly prolonging the life of, an existing building.
2. If the project ***DOES NOT*** involve any of the activities listed above, document the determination (Memo to File method is preferred) and place in the ERR. Documentation is complete.
3. If the project ***DOES*** involve any of the activities listed above, use the information provided below to determine if the project is within 15,000 feet of a military airport or 2,500 feet of a civilian airport. You can download the .kmz file into Google Earth and create a proximity map to use as documentation.

4. If the project ***IS NOT*** within the proximity of an airport, document the determination and place in the ERR. Documentation is complete.
5. If the project ***IS*** within the proximity of an airport, contact the airport operator to determine if the project is located in the Runway Protection Zone (civilian) or Accident Potential Zone (military).
6. If the project ***IS NOT*** located in the RPZ/APZ, document the correspondence and concurrence in the ERR. Documentation is complete.
7. If the project ***IS*** located in the RPZ/APZ, get approval from the airport operator. Place all correspondence and concurrence in the ERR. Documentation is complete.

If the project consists of down-payment assistance or minor structure rehabilitation, or the sale or purchase of land, the Airport Clear Zone Waiver form must be completed and placed in the ERR.

- [Airport Proximity Map – Example](#)
- [Airport CZ Waiver Form](#)
- [GoogleEarth Airport KMZ](#)

Once the ENV-ORC form has been completed it must be signed and dated by the Certifying Officer of the Responsible Entity. Ensure that the Signature Date complies with the requirements listed in Chapter I for the Level of Review as indicated.

III. **STATUTORY CHECKLIST**

In the process of completing the “Categorically Excluded Subject to” form (ENV-CEST) and the “Environmental Assessment” form (ENV-EA) one must complete the Statutory Checklist. There are a total of fourteen Statutes, Executive Orders and Regulations that must be considered and cleared in order to complete the environmental review. A detailed list can be found at 24 CFR 58.5. Below the Statutory Checklist has been detailed along with guidelines on the simplest method of documentation showing that each item on the list has been cleared environmentally. HUD has provided guidance on the HUD Exchange that gives a detailed introduction to the regulation or authority as well as their method of clearing that regulation or authority and what is considered as proper compliance and documentation.

Historic Preservation

All projects are required to complete a Section 106 review. The Alabama Historical Commission (AHC) and ADECA have entered into a Programmatic Agreement (PA) that allows for an automatic compliance of the regulation when the project activities are those listed in the PA. Steps on how to clear this regulation are provided below.

1. Compare the project activities to those listed in the Programmatic Agreement (PA).
2. If the project’s activities ***ARE*** found in the PA, indicate which exemption activity applies and place a copy of the PA in the ERR. Documentation is complete.
3. If the project’s activities ***ARE NOT*** found in the PA, submit a Project Review Consultation Form (found on the AHC website <https://ahc.alabama.gov/section106.aspx>) electronically only to AHC along with a letter of explanation. (30 Day comment period)

4. Complete any mitigation that AHC may require and document all correspondence. Once concurrence from AHC has been given place all correspondence in the ERR. Documentation is complete.

- [ADECA-AHC PA](#)
- [AHC Review Consultation Form](#)
- [NAE Concurrence Letter - Template](#)

Tribal Historic Preservation

Tribal consultation must be considered with all projects. Steps on how to clear this regulation are provided below.

1. Determine if Tribal consultation is required by completing the “When to Consult with Tribes under Section 106 Checklist”.
2. If it is indicated that consultation with Tribes ***SHOULD NOT*** be initiated, place the completed checklist in the ERR. Documentation is complete.
3. If it is indicated that consultation with Tribes ***SHOULD*** be initiated then use the Tribal Directory Assessment Tool (TDAT) to determine which, if any, Tribes have interests in the project area.
4. A request for consultation with the specified Tribe(s) should be sent from the Responsible Entity (RE) and await concurrence. If no response has been received after a thirty (30) day comment period (if emailed) or a thirty-five (35) day comment period (if mailed), consider the concurrence given. If a response letter is received, then comply with any reasonable mitigation requirements that may have been stipulated. In cases where a Tribe has asked for a Cultural Resource Assessment (CRA) be conducted, reference the “Responding to Cultural Resource Assessments” document for assistance in making that determination. Place all correspondence and concurrence in the ERR. Documentation is complete.

A much more detailed process for complying with Tribal consultation is available in notice CPD 12-006 from HUD.

- [Tribal Directory Assessment Tool \(TDAT\)](#)
- [Section 106 Checklist](#)
- [Tribes Consultation Letter – Template](#)
- [HUD Notice CPD 12-006](#)
- [Responding to CRA Requests](#)

Floodplain Management

Executive Order (EO) 11988 requires that projects avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. Steps on how to clear this regulation are provided below. Exceptions to this regulation found at 24 CFR 55.12(b)(2) and 55.12(c) allow for automatic compliance of this regulation. If any of those exemptions apply, cite the exemption number on the review form and documentation is complete. Additional exceptions can be found at 24 CFR 55.12(a)(1) that allow for the completion of the 5-Step Process instead of the 8-Step Process provided that the locality participates in the National Flood Insurance Program (NFIP). Review the “5-Step Process Determination Assistance” document below for assistance in making this determination.

1. Determine if an exemption applies. If an exemption ***DOES*** apply, document your determination and the review is complete. In an exemption ***DOES NOT*** apply, continue to Step 2.

2. Create a FIRMette by using a Flood Insurance Rate Map (FIRM) from the FEMA website and **outline the project area**. Determine if the project is located in a floodplain.
 3. If the project ***IS NOT*** located in a floodplain put a copy of the map in the ERR. Documentation is complete.
 4. If the project ***IS*** located in a floodplain and no exceptions apply (see above for assistance) complete the 8/5-Step Process. Place the completed 8/5-Step Process in the ERR. Documentation is complete.
- [FEMA website](#)
 - [Creating a Floodplain Proximity Map](#)
 - [Floodplain Proximity Map - Example](#)
 - [8-Step Process - Example](#)
 - [5-Step Process Determination Assistance](#)

Wetlands Protection

Executive Order (EO) 11990 requires that projects avoid adverse impacts to wetlands where practicable. Steps on how to clear this regulation are provided below. Exceptions to this regulation found at 24 CFR 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), 55.12(c)(10) allow for automatic compliance of this regulation. If any of those exemptions apply, cite the exemption number on the review form and documentation is complete. Additional exceptions can be found at 24 CFR 55.12(a)(1) that allow for the completion of the 5-Step Process instead of the 8-Step Process provided that the locality participates in the National Flood Insurance Program (NFIP). Review the “5-Step Process Determination Assistance” document for assistance in making this determination.

1. Determine if an exemption (see above) applies or if the project involves “new construction” (i.e., draining, dredging, channelizing, filling, diking, impounding and related activities).
 2. If an exemption applies or if the project ***DOES NOT*** involve “new construction”, document the determination and the review is complete.
 3. Determine if the project is located in a wetland. If the project ***DOES*** involve “new construction”, will the “new construction” or other ground disturbance impact an on-/off-site wetland?
 4. If the project is not located in a wetland or there is ***NO*** impact, document the determination and the review is complete.
 5. If the project ***IS*** located in a wetland and there ***IS*** an impact, complete the 8/5-Step Process and request concurrence from U.S. Army Corps of Engineers **if, and only if, your project disturbs more than ¼ acre of wetland area**. Complete any mitigation requirements. Place the completed 8/5-Step Process and all correspondence with the Corps in the ERR. Documentation is complete.
- [U.S. Fish and Wildlife Wetland Mapper website](#)
 - [Creating a Wetland Proximity Map](#)
 - [Wetland Proximity Map – Example](#)

Coastal Zone Management

Projects that can affect the coastal zone must be carried out in a manner consistent with the state Coastal Zone Management Program (CZMP) under Section 307(c) and (d) of the Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq). Steps on how to clear this regulation are provided below.

1. Use the Coastal Zone Management (CZM) Map (below) to determine if the project is located in the Coastal Zone Management Area (CZMA).
2. If the project ***IS NOT*** located in the CZMA, **mark the project location** on the CZM Map and place it in the ERR. Documentation is complete.
3. If the project ***IS*** located in the CZMA, contact the [State CZM Agency](#) to ensure the project is consistent with the CZM plan. Place all correspondence and concurrences in the ERR. Documentation is complete.

The Google Earth file below can be used to create a map showing that the project is not within the CZMA for projects located along the coast in Alabama.

- [CZM Proximity Map](#)
- [GoogleEarth CZM KMZ](#)

Sole Source Aquifers

The Safe Drinking Water Act of 1974 requires the protection of drinking water systems that are the sole or principle drinking water source for an area and which, if contaminated, would create a significant hazard to public health. Steps on how to clear this regulation are provided below.

1. No Sole Source Aquifers in Alabama. Place a copy of the Sole Source Aquifer map in the ERR. Documentation is complete.
- [SSA Proximity Map](#)

Endangered Species

The Endangered Species Act (ESA) of 1973, as amended, and its implementing regulations were designed to protect and recover species in danger of extinction and the ecosystems that they depend on. Steps on how to clear this regulation are provided below.

1. Determine if the project will consist of any of the following types of activities: ground disturbance, vegetation removal, an increase in impervious area, or generation of atypical noise levels (post-construction).
2. If the project ***DOES NOT*** consist of one of the listed activities, document this determination and place it in the ERR. Documentation is complete. (Example – minor rehabilitation of an existing structure)
3. If the project ***DOES*** consist of one of the listed activities, consult the “FWS Request for Consultation” memo and complete the submittal with the U.S. Fish & Wildlife Service (FWS) as instructed. Use the sample letter below as a guide. Place all correspondence and concurrence in the ERR. Documentation is complete.

- [FWS Office List](#)
- [FWS Consultation Letter - Template](#)
- [New FWS Request for Consultation](#)

Wild and Scenic Rivers

The Wild and Scenic Rivers Act provides federal protection for the National Wild and Scenic Rivers System (NWSRS). There are **three (3)** types of rivers that have to be cleared. Steps on how to clear this regulation are provided below.

- **Wild & Scenic:** Use the Wild & Scenic River map below to determine if the project is located within ¼ mile of a Wild & Scenic River. Place the documentation in the ERR.
 1. If the project ***IS NOT*** located within ¼ mile of a Wild & Scenic River, **mark the project area on the map** and put a copy in the ERR.
 2. If the project ***IS*** located within ¼ mile of a Wild & Scenic River, **mark the project area on the map** and contact the U.S. Fish & Wildlife Services to get concurrence on the project. Place all correspondence and concurrences in the ERR.

AND

- **Study Rivers:** Use the Study River map below to determine if the project is located within ¼ mile of any Study Rivers. (Currently there is only one Study River, the Escatawpa River in Washington and Mobile Counties) Place the documentation in the ERR.
 1. If the project ***IS NOT*** located within ¼ mile of a Study River, **mark the project area on the map** and put a copy in the ERR.
 2. If the project location ***IS*** within a ¼ mile radius of a Study River, **mark the project area on the map** and then contact the U.S. Fish & Wildlife Services to get concurrence on the project. Place all correspondence and concurrences in the ERR.

AND

- **Nationwide Rivers Inventory (NRI):** Use the NRI Proximity Map to determine if the project is located within ¼ mile of a river on the NRI list. Place the documentation in the ERR.
 1. If the project ***IS NOT*** located within ¼ mile of an NRI River, then **mark the project area on the map** and put a copy in the ERR.
 2. If the project location ***IS*** within a ¼ mile radius of a NRI River, **mark the project area on the map** and contact the U.S. Fish & Wildlife Services to get concurrence on the project. Place all correspondence and concurrences in the ERR.

Documentation is only completed when all **three (3)** types of rivers have been cleared and the appropriate documentation is in the ERR. Use the provided GoogleEarth files (kmz) below if a better scale is needed.

- [Wild & Scenic River Proximity Map](#)
- [Study River Proximity Map](#)
- [NRI Proximity Map](#)
- [GoogleEarth NRI KMZ](#)

Air Quality

The Clean Air Act was implemented to remedy the damaging effects that bad air quality can have on human health and the environment. Steps on how to clear this regulation are provided below.

1. Determine if the project is located in a nonattainment area. [Check the EPA Green Book on Nonattainment Areas for Criteria Pollutants](#) for those locations.
2. If the project area ***IS NOT*** in a nonattainment area, document the determination and place it in the ERR. Documentation is complete. ([Air Quality Documentation - Example](#))
3. If the project area ***IS*** in a nonattainment area, determine if project will generate more than the de Minimis level of emissions. (Contact ADECA if for assistance in making the determination)
 - a. If the project ***WILL NOT*** generate more than the de Minimis level of emissions, document the determination and place it in the ERR. Documentation is complete.
 - b. If the project ***WILL*** generate more than the de Minimis level of emissions, contact the State Implementation Plan (SIP) agency (Alabama Department of Environmental Management [ADEM]). Place all correspondence and concurrence in the ERR. Documentation is complete.

Farmlands Protection

The purpose of the Farmland Protection Policy Act (7 U.S.C. 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Steps on how to clear this regulation are provided below.

1. Determine if the project will result in the conversion (farmland to non-agricultural use) of prime, unique or state/locally important farmland.
2. If the project ***DOES NOT*** result in land conversion, document the determination and place it in the ERR. Documentation is complete.
3. If the project ***DOES*** result in land conversion, complete Form AD-1006 and submit it to the proper USDA office found on the website. Place all correspondence and concurrence in the ERR. Documentation is complete.
 - [USDA NRCS website](#)
 - [Form AD-1006](#)
 - [7 CFR Part 658 link](#)

Noise Abatement and Control

HUD's noise standards may be found in 24 CFR Part 51, Subpart B and apply to "noise sensitive activities", including projects that generate noise (other than during construction). Steps on how to clear this regulation are provided below.

1. Determine if the project involves new construction for residential use, rehabilitation of an existing residential property, a research demonstration project which does not result in new construction or

reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster?

2. If the project ***DOES NOT*** involve any of the above activities, document the determination and place it in the ERR. Documentation is complete.
 3. If the project ***DOES*** involve any of the above activities, **mark the project area on a map** and determine if the project is located within 1,000 feet of a major roadway, 3,000 feet of a railroad, 15 miles of a military or FAA-regulated airport.
 4. If the project ***IS NOT*** located within the vicinities given above, document the determination with a proximity map, **mark the project area on the map** and place it in the ERR. Documentation is complete.
 5. If the project ***IS*** located within the vicinities give above, contact the Environmental Officer for assistance as well as refer to the HUD website to complete a noise assessment. Place all documents used to conduct the noise assessment along with the determination in the ERR. Documentation is complete.
- [HUD Noise Assessment Guidance](#)

Explosive and Flammable Facilities

HUD requires that projects located near hazardous facilities which store, handle or process hazardous substances of a flammable or explosive nature include measures to reduce if not eliminate potential risk of injury in the event of an explosion to occupants or end-users of the project. Steps on how to clear this regulation are provided below. You must complete the documentation for both items below.

Aboveground Stationary Storage Tanks (AST)

1. Determine if the project activities include development, construction or rehabilitation that will increase residential densities, or conversion.
2. If the project ***DOES NOT*** include the activities above, document the determination and place it in the ERR. Documentation is complete.
3. If the project ***DOES*** include the activities above provide:
 - a. evidence that there are no current or planned aboveground storage containers with a 100+ gallon capacity within 1 mile of the project location or
 - b. that the Acceptable Separation Distance (ASD) is sufficient for the containers found or
 - c. that existing or planned barriers would serve as sufficient mitigation, including correspondence with a licensed Engineer.

Place all documentation used to make the determination in the ERR. Compliance is complete.

Hazardous Facilities

1. Determine if the project includes a hazardous facility (one that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities or refineries).

2. If the project ***DOES NOT*** involve a hazardous facility, document the determination and place it in the ERR. Documentation is complete.
3. If the project ***DOES*** involve a hazardous facility show that:
 - a. the Acceptable Separation Distance (ASD) is sufficient with respect to residences and other facilities where people may congregate or be present or
 - b. that existing or planned barriers would serve as sufficient mitigation, including correspondence with a licensed Engineer.

Place all documentation used to make the determination in the ERR. Compliance is complete.

- [ASD Guidebook](#)
- [ASD Assessment Tool](#)
- [Barrier Design Guide](#)
- [HUD Explosive & Hazardous Facilities Guidance](#)

Site Contamination

Guidance on HUD's policy concerning Site Contamination can be found at 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2). A basic summation of the policy is that project sites that are funded by HUD must be free from hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. Steps on how to clear this regulation are provided below.

1. Use the ***Site Contamination Checklist*** to assist you in conducting your required "due diligence". At a minimum, the following steps should be taken:
 - a. Conduct a Field Inspection
 - b. Investigate project area for Historic uses
 - c. Conduct a Records search (Use the How-to Guide to determine if the project is located within a 3,000 feet radius of a site listed on the Superfund (CERCLIS), Brownfields (ACRES) databases.

Multifamily housing with five (5) or more dwelling units and sites to be used as gathering places (community/senior centers, etc.) should have a Phase I Environmental Site Assessment conducted to search for possible contaminants.

- [NEPAssist website](#)
- [Site Contamination Checklist](#)
- [Creating Site Contamination Proximity Maps](#)
- [Site Contamination Proximity Map - Example](#)

Environmental Justice

Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Since CDBG only funds projects that assist those residents in low to moderate income areas, it could be said that all projects fall under this provision and therefore are exempt from this regulation. The required forms should already have this field prepopulated with this information. If not, contact the ADECA Environmental Officer.

IV. NOTICES

After completing the forms ENV-CEST and ENV-EA a “Notice to the Public” is required to be made (except in the case of the ENV-CEST converting to “Exempt”). Below you will find the required notices as well as the distribution lists for those notices. Using the incorrect type of notice, not adhering to the correct time frame for the notice and not distributing the notice to the required agencies are all infractions that will result in a Finding at the time of the Environmental Monitoring. The forms are listed in order of publication/posting. Note – not all notices are required. Affidavits of Publishing/Posting are required for all Notices. When a Notice is Posted, regulations require that the Notice be prominently displayed in public buildings (3 minimum) as well as the project area.

Categorically Excluded Subject to (Form ENV-CEST):

- Early Notice and Public Review of a Proposed Activity in a Floodplain/Wetland (Early Floodplain/Wetland Notice) (if required)
 - Must be **PUBLISHED** (needs to be published for **1 day** only)
 - Must have a **15-day** minimum Public Comment period
- Final Notice and Public Explanation of a Proposed Activity in a Floodplain/Wetland (Final Floodplain/Wetland Notice) (if required)
 - Must be **PUBLISHED** (needs to be published for **1 day** only)
 - Must have a **7-day** minimum Public Comment period
- Notice of Intent to Request Release of Funds (NOI/RROF)
 - Can be published or posted (remains posted **throughout** comment period)
 - Must have a **7-day** minimum Public Comment period if published
 - Must have a **10-day** minimum Public Comment period if posted

The NOI/RROF and the Final Floodplain/Wetland Notice may be disseminated simultaneously.

Environmental Assessment (Form ENV-EA):

- Early Notice and Public Review of a Proposed Activity in a Floodplain/Wetland (Early Floodplain/Wetland Notice) (if required)
 - Must be **PUBLISHED** (needs to be published for **1 day** only)
 - Must have a **15-day** minimum Public Comment period
- Final Notice and Public Explanation of a Proposed Activity in a Floodplain/Wetland (Final Floodplain/Wetland Notice) (if required)
 - Must be **PUBLISHED** (needs to be published for **1 day** only)
 - Must have a **7-day** minimum Public Comment period
- Finding of No Significant Impact and Notice of Intent to Request Release of Funds (Combined Notice)
 - Can be published or posted (remains posted **throughout** comment period)
 - Must have a **15-day** minimum Public Comment period if published
 - Must have an **18-day** minimum Public Comment period if posted

The Combined Notice and the Final Floodplain/Wetland Notice may be disseminated simultaneously. In addition to notifying the public through the methods listed above, appropriate Federal and State agencies must also be notified. Consult the Distribution Lists below to determine which Notices must be sent to Federal and State agencies and when they are required to be sent. Use the included form letters as a guide for notifying the agencies.

- [Public Notice Distribution Lists](#)

V. **MONITORING**

All projects are subject to monitoring. After submitting the required information to ADECA, a “desk review” will be conducted in order to determine if the submittal meets the minimum requirements. A copy of the form that is used for this review can be found below. Once it has been determined that the submittal has been made successfully a “Notice of Removal of Grant Conditions” will be issued. A copy will be forwarded along in the Grant Agreement Package.

At some point beyond the 30% fund expenditure point an “onsite review” will be conducted. This review is conducted during the monitoring visit. A copy of the form that is used for this review can be found below. A successful review is conducted when all appropriate fields of the form have been completely filled in and proper documentation has been included in the ERR.

- [Desk Environmental Review Monitoring Checklist](#)
- [On-site Environmental Review Monitoring Checklist](#)