

**Early Notice and Public Review of a Proposed
Activity in a [100-Year/500-year Floodplain or Wetland]**

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

This is to give notice that [HUD under part 50 or Responsible Entity under Part 58] has determined that the following proposed action under [Program Name] and [HUD grant or contract number] is located in the [100-year/500-year floodplain/wetland], and [HUD or the Responsible Entity] will be identifying and evaluating practicable alternatives to locating the action in the [floodplain/wetland] and the potential impacts on the [floodplain/wetland] from the proposed action, as required by [Executive Order 11988 and/or 11990], in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. [Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural and beneficial values potentially adversely affected by the activity]. [State the total number of acres of floodplains/wetland]. The proposed project(s) is located [at addresses] in [Name of City], [Name of County].

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplains/wetlands] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the [floodplain/wetland], alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplains/wetlands] can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplains/wetlands], it must inform those who may be put at greater or continued risk.

Written comments must be received by [HUD or Responsible Entity] at the following address on or before (DATE B): [HUD or Responsible Entity], [Address] and [phone number], Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date: (DATE A)

Date A = Date of Publication

Date B = Date A + 15 Days

MUST BE PUBLISHED IN A NEWSPAPER!!!

Final Notice and Public Explanation of a Proposed Activity in a [100-Year/500-year Floodplain or Wetland]

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

This is to give notice that the [HUD under part 50 or Responsible Entity under Part 58] has conducted an evaluation as required by [Executive Order 11988 and/or 11990], in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the [Program Name] under [HUD grant or contract number]. The proposed project(s) is located [at addresses] in [Name of City], [Name of County]. [Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain/wetland, natural values]. [State the total number of acres of floodplains/wetland involved].

[HUD or Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: [List (i) ALL of the reasons why the action must take place in a floodplain/wetland, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values] [Cite the date of any final or conditional LOMR's or LOMA's from FEMA where applicable] [Acknowledge compliance with state and local floodplain/wetland protection procedures]

[HUD or Responsible Entity] has reevaluated the alternatives to building in the [floodplain/wetland] and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of [Executive Order 11988 and/or 11990], are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in [floodplains/wetlands] and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about [floodplains/wetlands] can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in [floodplains/wetlands], it must inform those who may be put at greater or continued risk.

Written comments must be received by the [HUD or Responsible Entity] at the following address on or before (DATE B): [Name of Administrator], [Address] and [phone number], Attention: [Name of Certifying Officer or designee], [Title]. A full description of the project may also be reviewed from [enter available office hours] at [address or state address is same as above] and [web address if available]. Comments may also be submitted via email at [email address].

Date: (DATE A)

Date A = Date of Publication

Date B = Date A + 7 Days

MUST BE PUBLISHED IN A NEWSPAPER!!!

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (PUBLISHED)

Date of Notice (**DATE A**)

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about (DATE C**) the name of RE will if the RE is not also the grant recipient, insert the following language: “authorize the [name of grant recipient] to” submit a request to the Alabama Department of Economic and Community Affairs (ADECA) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

The activities proposed alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review 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 RE designated office responsible for receiving and responding to comments. All comments received by (DATE B**) will be considered by the name of RE prior to authorizing submission of a request for release of funds.**

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to ADECA 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. ADECA’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

ADECA will accept objections to the Responsible Entity’s (RE) Request for Release of Funds and Environmental Certification for a period of fifteen days following the anticipated submission date specified above 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 RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the RE has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Alabama Department of Economic and Community Affairs, Community and Economic Development Programs at P.O. Box 5690, Montgomery, AL 36103-5690. Potential objectors should contact ADECA to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Date A = Date of Publication

Date B = Date A + 7 Days

Date C = Date B + 1 Day

THESE NUMBERS ONLY APPLY TO A PUBLISHED NOI

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (POSTED)

Date of Notice **(DATE A)**

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about (DATE C) the name of RE will if the RE is not also the grant recipient, insert the following language: “authorize the [name of grant recipient] to” submit a request to the Alabama Department of Economic and Community Affairs (ADECA) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.

The activities proposed alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review 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 RE designated office responsible for receiving and responding to comments. All comments received by (DATE B) will be considered by the name of RE prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to ADECA 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. ADECA’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

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Name and Title of RE Certifying Officer

Date A = Date of Posting

Date B = Date A + 10 Days

Date C = Date B + 1 Day

THESE NUMBERS ONLY APPLY TO A POSTED NOI

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

Date of Notice (**DATE A**)

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

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 RE or grant recipient.

REQUEST FOR RELEASE OF FUNDS

On or about **DATE C** the name of RE will if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to" submit a request to the Alabama Department of Economic and Community Affairs (ADECA) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383), to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.

FINDING OF NO SIGNIFICANT IMPACT

The name of RE 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 and address of RE office where ERR can be examined and name and address of other locations where the record is available for review 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 RE designated office responsible for receiving and responding to comments. All comments received by **DATE B** will be considered by the name of RE prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to ADECA 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. ADECA's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

ADECA will accept objections to its release of fund and the RE'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 RE; (b) the RE 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 or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by ADECA; 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, Sec. 58.76) and shall be addressed to the State at: Alabama Department of Economic and Community Affairs, Community and Economic Development Programs, P.O. Box 5690, Montgomery, AL 36103-5690. Potential objectors should contact ADECA to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Date A = Date of Publication

Date B = Date A + 15 Days

Date C = Date B + 1 Day

THESE NUMBERS ONLY APPLY TO A PUBLISHED CN

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

Date of Notice (**DATE A**)

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

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Name and Title of RE Certifying Officer

Date A = Date of Posting

Date B = Date A + 18 Days

Date C = Date B + 1 Day

THESE NUMBERS ONLY APPLY TO A POSTED CN