

# CDBG NEPA Webinar

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# National Environmental Policy Act (NEPA)

- Signed into law by President Richard Nixon on January 1, 1970
- Prevents or eliminates damage to the environmental
- Ensures that the environment is given consideration in planning and decision making
- Discloses environmental impacts and encourages informed decision making
- Mandates that every federal agency promulgate environmental regulations which apply to every action and or actions funded by the agency





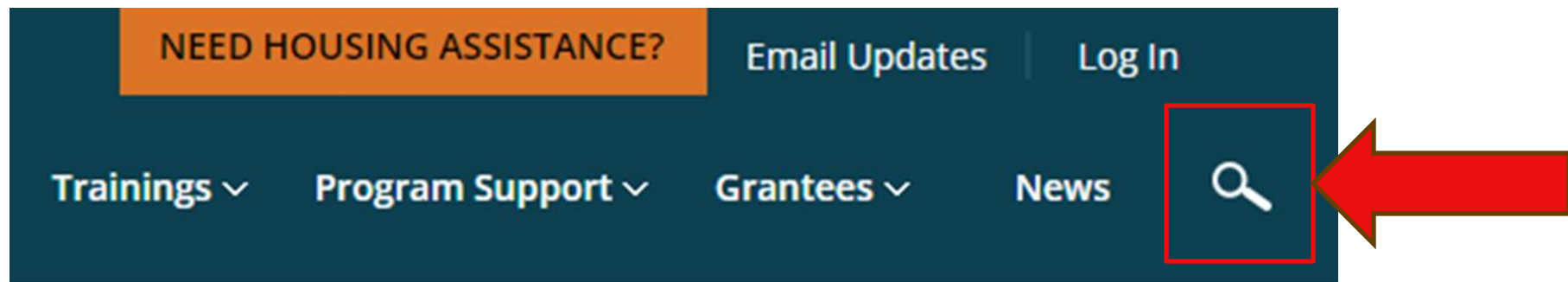
# Application Requirements

- Demonstrate compliance with NEPA by submission of fully complete, current, and applicable documentation for the proposed activity at time of application
- If intending to use funds for GA, submission of GA NEPA documentation at time of application



# HUD Exchange

- All documents mentioned can be found at the HUD exchange at <https://www.hudexchange.info/programs/environmental-review/>
- Recommend searching “Flood Insurance,” “Air Quality,” or another review topic for assistance





# **Warning: Choice-Limiting Actions!**

- Making a **Choice-Limiting Action** related to your proposed activity prior to completing the NEPA review may deem your project ineligible for any federal funding
- A Choice-Limiting Action is any physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions, prior to completion of the NEPA review for the project, no matter if these actions are funded by federal, state, local, or private dollars
- A project may begin as a good-faith private project and then decide to apply for federal assistance (Speak with your CDBG Representative)



# NEPA Process

1. Define Project
2. Choose the correct form
3. Complete the form and collect source documentation
4. Follow public outreach requirements (CEST and EA)
5. Preparer and Certified Environmental Officer sign form
6. Submit form and source documentation via application



# Defining the Project

- Complete and clear description of project, including geographic boundaries
- Captures the maximum scope of the project regardless of funding source
- Must include all contemplated related actions based on a geographical or functional basis (generally within 5 years)
- Activity and General Admin are separate activities



# Choosing the Correct Form

- Categorically Excluded/Exempt Not Subject To (CENST)
  - Activities described at 24 CFR 58.34(a)
  - Activities described at 24 CFR 58.35(b)
  - General Administration activities (24 CFR 58.34(a)(3))
- Categorically Exempt Subject To (CEST)
  - Activities described at 24 CFR 58.35(a)
- Environmental Assessment (EA)
  - Any activities not falling in the above referenced 24 CFR sections

Unsure? Ask your CDBG Representative





# Environmental Review Forms

- CENST - <https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-Exempt-CENST.pdf>
- CEST - <https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-CEST-Format.pdf>
- EA - <https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-EA-Format.pdf>



# Typical Questions

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</p>	<p>Are formal compliance steps or mitigation required?</p>	<p>Compliance determinations</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b></p>		
<p><b>Airport Hazards</b>  24 CFR Part 51 Subpart D</p>	<p>Yes    No <input type="checkbox"/>   <input type="checkbox"/></p>	
<p><b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes    No <input type="checkbox"/>   <input type="checkbox"/></p>	
<p><b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994</p>	<p>Yes    No <input type="checkbox"/>   <input type="checkbox"/></p>	



# Tiered Reviews

- A Tier 1 CEST review allows a broad review of program activities when specific project sites are not yet known
- Required to be submitted in an application for activities:
  - Involving the disbursement of grants and loans to businesses where funds are allowed to be used for construction
  - Involving housing assistance on separate sites (such as single-family owner-occupied rehab)
- A Site-Specific (Tier 2) review is required for each site as it is selected for the duration of the program
- [Tiered Environmental Reviews - HUD Exchange](#)



# Public Outreach

## CENST

1. Complete form
2. Collect source documentation
3. Sign
4. Submit in application, keep all documentation in file

## CEST

- If converts to exempt - same process as CENST **OR**
- If cannot convert to exempt because compliance with federal laws is required - follow EA Process

## EA

1. Responsible entity completes form
2. Send for HCD review (via application)
3. HCD provides revision requests (if applicable)
4. Responsible Entity to sign EA and publish FONSI/NOIRROF
5. 15-day public comment period
6. Responsible Entity submits Request Release of Funds (RROF)
7. 15-day objection period
8. If no objections - HCD provides Authority to Use Grant Funds



# Required Source Documentation

- Required to be submitted with each review for all required topics: **Environmental Review Record Related Federal Laws and Authorities Worksheets** ([HUDEXchange](#))
- Other documentation to backup the determinations made on the review form
  - Screenshots of websites
  - PDF printouts of websites
  - Published studies or plans
  - Studies performed for the review itself
  - Other documentation which backs up the determination for the specific review topic



# Signatures

- Must be signed by the preparer of the form and the Certified Environmental Officer (the authorized representative identified in Section 6 of the resolution)

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

\_\_\_\_\_

Responsible Entity Agency Official Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



# Resources

- Review Chapter 3 of the Grants Management Manual for additional information
- [Environmental Review - HUD Exchange](#)
- NEPAAssist: <https://www.epa.gov/nepa/nepassist>
- For questions, email [CDBG@hcd.ca.gov](mailto:CDBG@hcd.ca.gov)



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