



**The  
Office of Rural Affairs  
Presents**



# Environmental Update

- HUD Region IV Workbook from Fort Worth is no longer valid.
- <https://www.hudexchange.info/programs/environmental-review/>
- The Request for Release of Funds that needs to be used has 07/31/17 expiration date located on the upper right corner.
  - No other form will be accepted

## Timing the Review

- **National Environmental Protection Act (NEPA)**
- **24 CFR 58.22**
- **Grant Recipients may not commit any project funds (regardless of whether the funding being committed is from CDBG or other sources) to a project before the environmental review has been completed and the release of funds has been issued.**

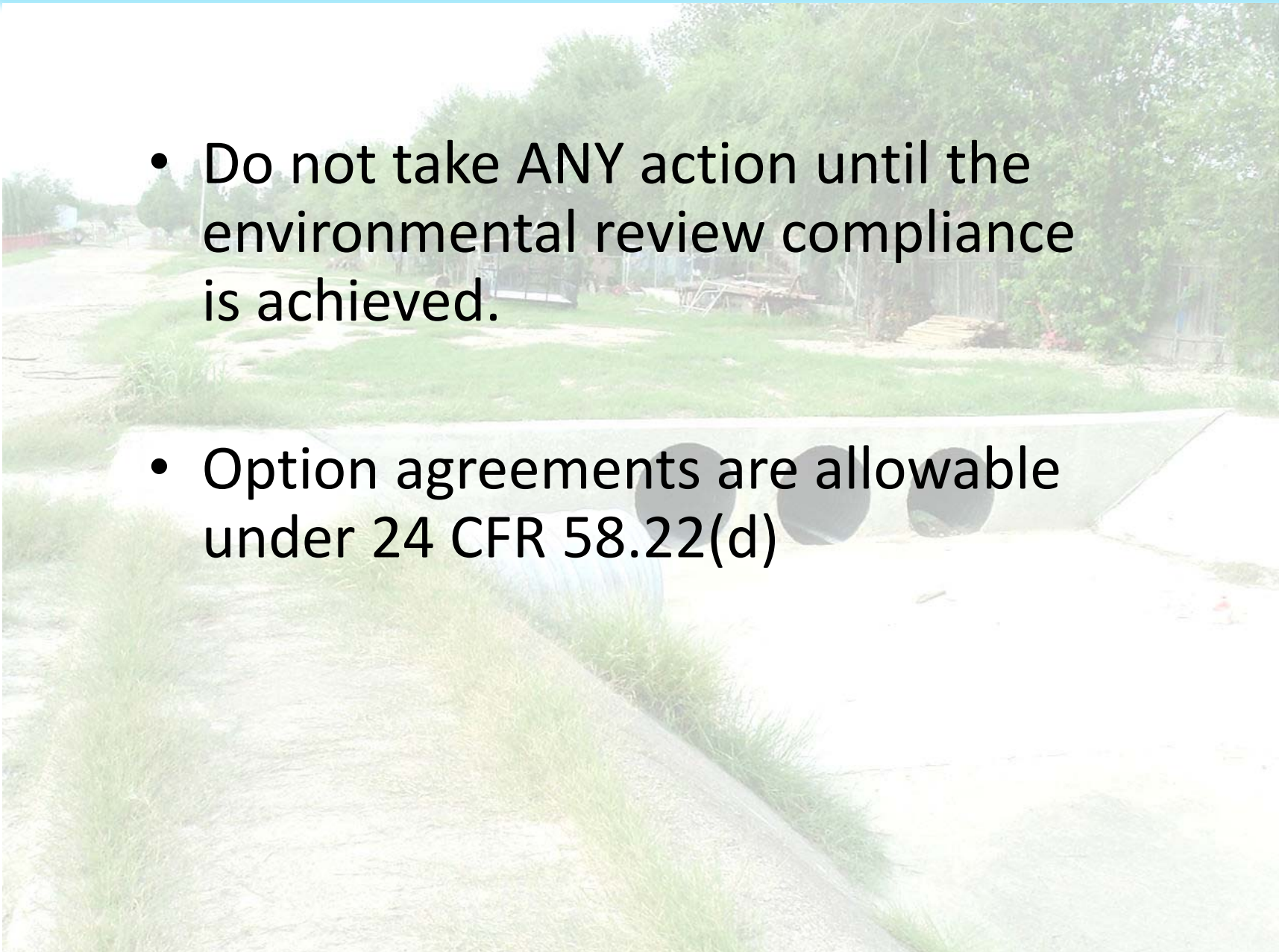


# Timing and Choice Limiting Actions

- 24 CFR 58.30(b) 'Begin as soon as Recipient determines the projected use of HUD assistance.'
- Cannot commit HUD and non-HUD funds to a proposed project prior to release of funds authorization
- Choice-limiting actions will reduce or eliminate your opportunity to choose alternatives
- Examples: property acquisition, leasing, demolition, rehabilitation, construction, and site improvements (including site clearance)

# Choice Limiting Actions

- Do not take ANY action until the environmental review compliance is achieved.
- Option agreements are allowable under 24 CFR 58.22(d)





## Best Practices

- Begin environmental review process as soon as possible.
- Typical times required to complete review range from 1 to 120 days.
- Allow time for periods of public comment on environmental notices, including Finding of No Significant Impact (FONSI) and the Notice of Intent to Request for Release of Funds (NOI-RROF).

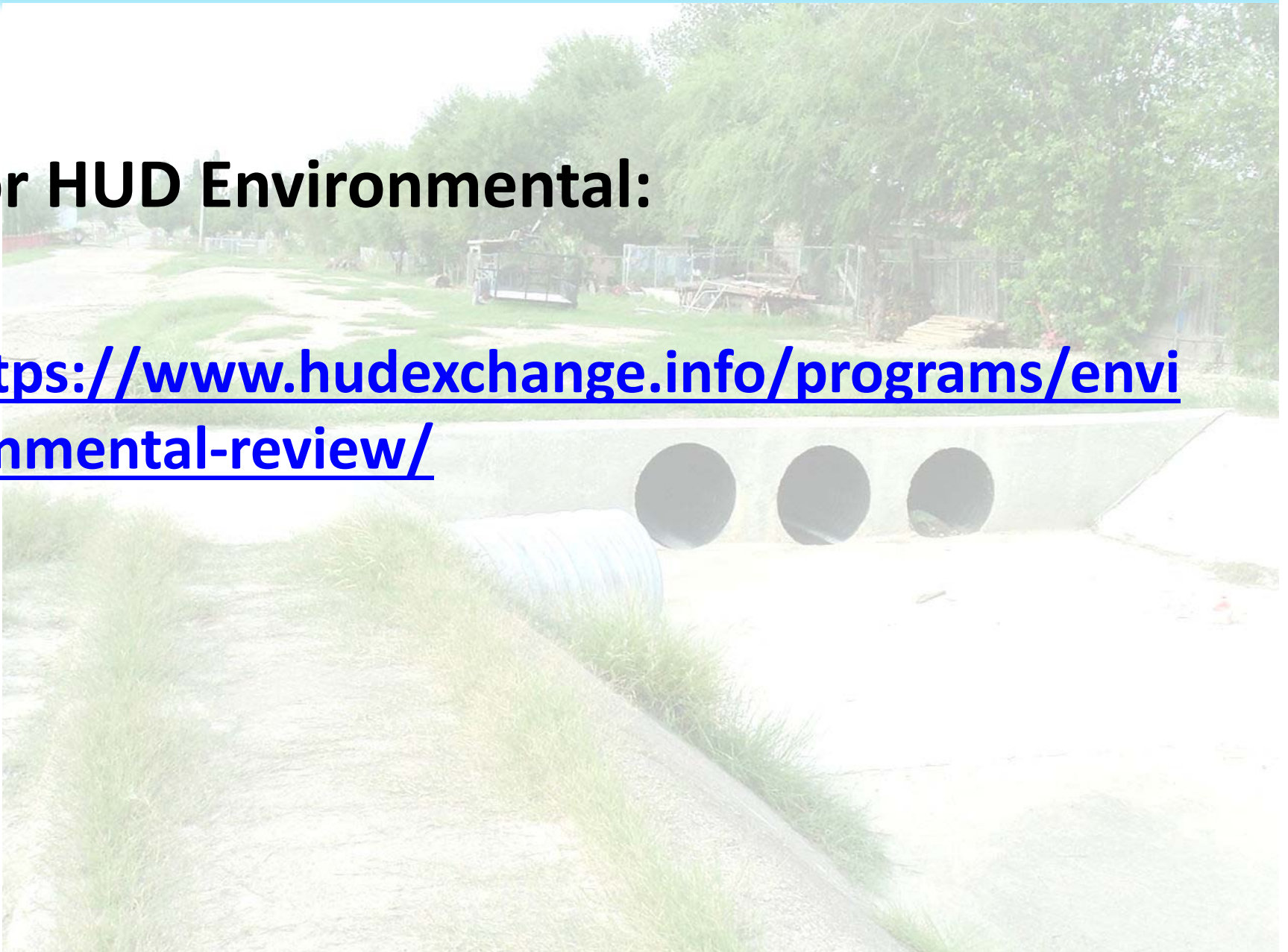
# Environmental Forms From TDA Website

Texas Department of Agriculture Website > Grants & Services > Rural Economic Development > Rural Community Development Block Grant (CDBG) > Forms - Google Chrome		
2 Financial Management	A201	Sample Signatory Resolution
2 Financial Management	A202	Depository-Authorized Signatories Designation
2 Financial Management	A203	Request for Payment
2 Financial Management	A206	Balance Adjustment Notice
2 Financial Management	A207	Backup for Eligible Costs
<b>Chapter 3 Environmental Review (Word Version)</b>		
3 Environmental Review	A301	Request for Exemption from SHPO Review
3 Environmental Review	A302	Full Environmental Assessment (EA) Checklist
3 Environmental Review	A303	Exempt or Categorical Exclusion Not Subject to 58.5
3 Environmental Review	A304	Categorical Exclusion Subject to 58.5
3 Environmental Review	A305	Sample NOI / RROF
3 Environmental Review	A306	Sample Notice of FONSI
3 Environmental Review	A307	Floodplain Early Notice and Explanation Sample
<b>Chapter 4 Contract Special Conditions (Word Version)</b>		
4 Contract Special Conditions	A401	Certification of Pre-Construction Approvals
<b>Chapter 5 Procurement Procedures* (Word Version)</b>		

# The New HUD Environmental Website

**For HUD Environmental:**

**<https://www.hudexchange.info/programs/environmental-review/>**





# The New HUD Environmental Website

## Orientation to Environmental Reviews

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

[Learn about the Environmental Review Process](#)

## Related Federal Environmental Laws and Authorities

Learn about the environmental requirements covered by related federal laws and authorities and referenced in HUD's regulations at 24 CFR 50.4, 58.5, and 58.6. Each environmental topic features a compilation of resources such as trainings, guidance, and useful websites. This section contains all of the content from the Assessment Tools for Environmental Compliance (ATEC).

[View Resources](#)

## Environmental Review News & Announcements

[Registration Open: HUD Region 9 Environmental Review Training - April 18-20, 2016](#)  
Date Posted: March 07, 2016

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[Upcoming: Region 5 Part 58 Environmental Training](#)  
Date Posted: May 13, 2015

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## Featured Topics

[HUD Environmental Regulations](#)

[Environmental Assessments](#)

[Disaster Recovery and Environment](#)

[Environmental Review Training Webinars](#)

[HUD Environmental Review Online System \(HEROS\)](#)

## Suggested Formats and Sample Notices

[COC Limited Scope Review](#)

[Exempt or Categorically Excluded, Not Subject to 58.5](#)

[Categorically Excluded, Subject to 58.5](#)

[Sample NOI-RROF](#)

[Environmental Assessment](#)

[Sample Combined Notice \(FONSI/RROF\)](#)

[Form 7015.15 - Request for Release of Funds and Certification \(RROF\)](#)

[Form 7015.16 - Authority to Use Grant Funds \(AUGF\)](#)

[Related Laws and Authorities](#)

# The New HUD Environmental Website

## Environmental Review

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

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

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# Environmental



Air Quality



Airport Hazards



Coastal Barrier Resources



Coastal Zone Management



Endangered Species



Environmental Justice



Explosive and Flammable Facilities



Farmlands Protection



Flood Insurance

# The Statutory Worksheet

## Farmlands Protection

### Introduction

The importance of farmlands to the national and local economy requires the consideration of the impact of activities on land adjacent to prime or unique farmlands. 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.

The Act does not apply to projects already in or committed to urban development or those that could otherwise not convert farmland to non-agricultural uses. However, land that meets the definition of prime or unique farmlands or is determined to be of statewide or local significance (with concurrence by the U.S. Secretary of Agriculture) is subject to the Act. In some states agricultural lands are protected from development by agricultural districting, zoning provisions, or special tax districts.

### HUD Guidance

**Does your project include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another?** Federal projects are subject to FPPA requirements if they may irreversibly convert farmland to a non-agricultural use. A finding of compliance with the requirements of the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) must be made for assisted new construction activities, the acquisition of undeveloped land, and conversion projects.

**If so, does your project meet one of the following exemptions?**

- Construction limited to on-farm structures needed for farm operations
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land used for water storage
- Project on land already in or committed to urban development ([7 CFR 658.2\(a\)](#))

Farmland subject to FPPA requirements does not have to be currently used for cropland. USDA/NRCS regulations contained at 7 CFR Part 658.2 define “committed to urban development” as land with a density of 30 structures per 40-acre area; lands identified as “urbanized area” (UA) on the Census Bureau Map or as urban area mapped with a “tint overprint” on USGS topographical maps; or as “urban-built-up” on the USDA Important Farmland Maps. Note that land “zoned” for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA.

**If not, does “Important Farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the FPPA occur on the project site?**

## Statute and Regulations

[7 U.S.C. 4201 et seq](#)

[7 CFR Part 658](#)

## Resources

[USDA National Resources Conservation Service Website](#)

[USDA Farmland Protection Policy Act Website](#)

[USDA Natural Resources Conservation Service's \(NRCS\) Web Soil Survey](#)

[Refer to NEPAassist for Soil Data](#)

[Form AD-1006: Farmland Conversion Impact Rating](#)

[Protecting Our Natural Resources Webinar](#)

[Farmlands Protection FAQs](#)

## Federal Related Laws and Authorities

[Air Quality](#)

[Airport Hazards](#)

[Coastal Barrier Resources](#)

[Coastal Zone Management](#)



# The worksheet

## Farmlands Protection (CEST and EA)

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>
Reference		
<a href="https://www.hudexchange.info/environmental-review/farmlands-protection">https://www.hudexchange.info/environmental-review/farmlands-protection</a>		

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

- Yes → Continue to Question 2.  
 No

Explain how you determined that agricultural land would not be converted:

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.

2. Does "important farmland," including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?

You may use the links below to determine important farmland occurs on the project site.

# The worksheet continued

## Worksheet Summary

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

**Are formal compliance steps or mitigation required?**

Yes

No



# Full EA from the HUD Website

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# Full EA Guidance HUD Website

## Environmental Assessments

Environmental assessments are prepared under the National Environmental Policy Act to determine whether a project requires an environmental impact statement or a finding of no significant impact.

When conducting an environmental assessment for a HUD-assisted project, refer to the resources below for guidance.

### [NEPAssist](#)

NEPAssist is a tool that facilitates the environmental review process and project planning in relation to environmental considerations. The web-based application draws environmental data dynamically from EPA's Geographic Information System databases and web services and provides immediate screening of environmental assessment indicators for a user-defined area of interest. These features contribute to a streamlined review process that potentially raises important environmental issues at the earliest stages of project development.

### [Part 58 Environmental Assessment Form](#)

This is the recommended format for conducting Part 58 environmental assessments.

### [Environmental Assessment Factors and NEPA Analysis](#)

In addition to compliance with the laws and authorities at 24 CFR 50.4 or 24 CFR 58.6 and 58.5 (also known as the Statutory Checklist), environmental assessments must consider an array of additional potential impacts of the project. This resource lists the additional environmental assessment factors and National Environmental Policy Act (NEPA) analysis that would be required of an environmental assessment for HUD-assisted projects. Note: This document presents only the factors *not* included in a *categorically excluded, subject to* (CEST) review and should be used for reference only.

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

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

### [Council on Environmental Quality \(CEQ\) Website](#)

The Council on Environmental Quality (CEQ) oversees environmental review policies across federal agencies.

### [CEQ Guidance](#)

Select documents prepared by the Council on Environmental Quality that provide guidance on the NEPA process.

### [CEQ Regulations](#)

The CEQ regulations on environmental assessments found at 40 CFR 1501.3.

# Full EA Guidance cont.

HUD Guidance

## Environmental Assessment Factors Guidance

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Date Published: October 2013

### Description

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

### Resource Links

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





# Full EA Guidance PDF Document

## Environmental Factors

The following are questions to take into consideration when evaluating whether the following environmental assessment factors have an environmental impact under NEPA. Do not limit the review to only the questions provided, and address each question as applicable. Please provide details and documentation where necessary.

### Land Development:

#### Conformance with Plans / Compatible Land Use and Zoning / Scale & Urban Design

##### Conformance with Plans

###### Overview

It is important that a proposed project be consistent with a community's long-range goals and policies as articulated in its comprehensive plans. Most cities and communities, and even some neighborhoods, have medium (5-year) to long-range (25-year) plans that express the community's vision for development.

Comprehensive or land use plans are intended to encompass plans and goals relating to a wide variety of areas including, but not limited to, transportation, housing improvement, recreation, adequate capacity in schools, sufficient emergency service levels, coastal zone restrictions, health, economic development, and utilities; and serve as a basis for rezoning or special use requests. These plans are prepared by a variety of agencies and boards, including municipal and county government, special districts, area-wide planning agencies and state agencies. These and potentially other municipal interests may have overlapping land use requirements; meaning, the need to comply with all appropriate land use reviews may entail approvals from more than just a single unit of government. An assessment of the degree of conflict or consistency with local and regional plans must take into account the decentralized preparation and implementation of plans, both on a geographic and an administrative or governmental basis. Some communities require that local zoning be consistent with adopted plans.

###### Experts to Contact

- Local and Regional Planning Agency
- Zoning Review Officer or Administrator
- Planning Commission/Director
- State Planning Office

###### Questions to Consider

1. Consider how the proposed project is consistent with the community's comprehensive plan. Where appropriate, provide the plan's name, date of approval, and upload the relevant page(s).
2. Will the project be unduly influenced by a planned transition of land uses?

FINDED BY THE TEXAS  
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THROUGH THE TEXAS  
TRANSPORTATION TRUST FUND  
FOR THE PURPOSES OF  
IMPROVING THE QUALITY OF  
LIFE IN TEXAS THROUGH  
TRANSPORTATION PROJECTS  
THAT BENEFIT THE STATE AND  
THE NATION.

# Front Page of the Full EA Packet

## **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

### **Project Information**

**Project Name:**

**Responsible Entity:**

**Grant Recipient (if different than Responsible Entity):**

**State/Local Identifier:**

**Preparer:**

**Certifying Officer Name and Title:**

**Grant Recipient (if different than Responsible Entity):**

**Consultant (if applicable):**

**Direct Comments to:**

# What to send in

## **Step 6 Submit Clearance Documentation to TDA**

The Grant Recipient must submit the following documentation to TDA in order to obtain a release of funds:

### **For reviews under the category Exempt:**

- 1) Letter from the Grant Recipient supporting the Exempt level of review
- 2) **Categorically Excluded Not Subject to 58.5 and Exempt under 58.34 (A303)**

### **For reviews under the category Categorically Excluded, Not Subject to §58.5:**

Once the Grant Recipient has verified compliance with related laws and authorities, the Grant recipient must submit the following to TDA:

- 1) Letter from the Grant Recipient supporting the Categorical Exclusion level of review
- 2) **Categorically Excluded Not Subject to 58.5 and Exempt under 58.34 (A303)**

### **For reviews under the category Categorically Excluded, Subject to §58.5:**

- 1) Letter from the Grant Recipient declaring their intent to ask for a Release of Funds.
- 2) *Categorical Exclusion Subject to 58.5 (Form A304)*
- 3) Evidence of Publication of the Notice of Intent to Request Release of Funds (**NOI/RROF**):
  - o The actual published newspaper page with the Notice; **or**
  - o A copy of the newspaper publication and the publisher's affidavit certifying the date of publication. **NOTE:** If the copy is clear and shows one single page of the publication with the date and other identifying information, then an affidavit is not required. As necessary, two pages of the publication may also be included showing identification information as necessary. Cutting and pasting pieces from the publication will still require an affidavit.
- 4) Request for Release of Funds and Certification, HUD Form 7015.15
- 5) Exemption Determination certification is provided on the A304 and must be selected if converting to Exempt under 24 CFR 58.34(a)(12).

### **For reviews under the category Environmental Assessment (Form A302):**

- 1) Letter from the Grant Recipient declaring their intent to ask for a Release of Funds.
- 2) Evidence of Publication consisting of FONSI and NOI/RROF: (24 CFR 58.43)
  - o The actual published newspaper page with the combined notice, or
  - o A copy of the newspaper publication with the combined notice and a publisher's affidavit certifying the date of publication. **NOTE:** If the copy is clear and shows one single page of the publication with the date and other identifying information then an affidavit is not required. As necessary two pages of the publication may also be included showing identification information as necessary. Cutting and pasting pieces from the publication will still require an affidavit.
- 3) Request for Release of Funds and Certification HUD Form **7015.15**



# Request for Release of Funds

## Request for Release of Funds and Certification

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

OMB No. 2506-0087  
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

### Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

**The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following**

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
--	--

11. Program Activity/Project Description

## RECENT DISALLOWED COSTS

- Lack of Communication between the Grant Recipient and the City's/County's Grant Administrator / TDA causes serious issues including loss of funding
- **Main Issue:** Committing HUD Funds before the Environmental Review has been completed
- Please contact David Brown at [david.brown@texasagriculture.gov](mailto:david.brown@texasagriculture.gov) if you have any questions – he is happy to assist

# ENVIRONMENTAL QUESTIONS?

