



**TEXAS DEPARTMENT OF AGRICULTURE  
COMMISSIONER SID MILLER**

**Texas Community Development Block Grant Program**

**Environmental Review**

**Administrator Workshop**



# Introduction

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## Environmental Review (ER)

What?

Why?

Who is responsible?

- Responsible Entity/Certifying Official

Failure to comply



# Introduction

## NEPA-Related Laws & Authorities

- National Historic Preservation Act (1966)
- Floodplain Management & Wetlands Protection: Executive Orders (1977)
- Coastal Zone Management Act (1972)
- Safe Drinking Water Act (1974)
- Endangered Species Act (1973)
- Wild & Scenic Rivers Act (1968)
- Clean Air Act (1970)
- Farmland Protection Policy Act (1981)
- Environmental Justice Exec. Order (1994)
- Noise Control Act (1972)
- HUD Env. Criteria & Standards



# Introduction

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## Basis of Environmental Review

- What is there currently?
- What will be there once the project is completed?
- How will this be accomplished?

## Timing of Environmental Review

- Must be performed **before committing or spending funds** on any HUD funded activity



# Introduction

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## Choice-Limiting Actions:

- Committing Funds
- Acquisition or Leasing
- Rehabilitation/Demolition
- Site Improvements
- Executing Construction Contracts



# Introduction

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## Special Cases with a review:

### Projects in Process

### Option Contracts (Acquisition)

- Nominal cost
- Will not be purchased, if ENV Review is not approved by TDA



# Timing is Key

1	ENV Preparer completes Environmental Main Form – top portion only; then		
2a	ENV Preparer completes Environmental Checklist and as needed, the following 2 forms: <b>Section 106</b> Must complete THPO/SHPO outreach if Section 106 Exemption is not approved.	30–35-day response period.	
2b	<b>Part 55</b> If in a floodplain/wetland, Early Notice must be published in a newspaper.	Minimum 15-day comment period.	35
	<b>Final Notice of 8-step:</b> If needed, must be published in a newspaper.	Minimum 7-day comment period.	
3	ENV Preparer goes back to Environmental Main Form, and then: - Selects determination - Certifies the completed checklist & the determination that is ready for public viewing <u>before</u> the required the public comment period		
4	ENV Preparer creates NOI/RROF/FONSI Notice(s) from the Main Form, and based on the level of review, publishes or posts as required. <b>EA level with FONSI:</b> Notify EPA and any agencies or other interested groups, as needed. <u>Comment Period Start Date:</u> The day <u>after</u> the notice is published or posted. <u>Comment Period End Date:</u> The last day of the required publication or posting.	<b>NOI/RROF</b> – 7 days published; or 10 days posted. <b>FONSI</b> – 15 days published; or 18 days posted. <b>Combined Notice</b> – 15 days published; or 18 days posted. <b>NOTE:</b> May also publish the Final Notice of 8-Step concurrent with the FONSI or Combined Notice.	18
5	ENV Preparer alerts Authorized Official (AO) that it is time for certification.		
6	AO certification of the RROF: At the bottom of the Main Form, AO will mark the certify box and click the Save button. Then change the status in the left navigation bar to <i>Submit for TDA Review</i> .	Completed (the next business day) <u>after</u> the Comment Period End Date.	1
7	For levels CatEx cannot Convert <u>or</u> EA, the State Comment Period begins the working day <u>after</u> the AO submits.	State Comment Period is 15 days.	15
8	For levels CatEx cannot Convert <u>or</u> EA, the AUGF release will be the working day <u>after</u> the State Comment Period.		
9	The Main Form becomes the AUGF which the City/County must print for their ERR. (Click PRINT in upper right corner of page.)		
<b>TOTAL APPROXIMATE DAYS TO COMPLETE</b>			<b>69</b>
<b>AMENDMENTS</b>			
Every proposed change to the Performance Statement will require an amendment and an Environmental Re-Evaluation form must be completed <u>before</u> the submission of the amendment to TDA. <b>Note:</b> Some proposed changes may require an <i>additional</i> Environmental Review.			<b>30 - 99 days</b>



Timing  
is Key

**NEW UPDATE**







# Environmental Review Record

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- Written record of review
- Must be available for public review
- A living document
- Source Documentation
- Hard Copy required



# Environmental Review Record

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**Step 1** – Determine Project Description

**Step 2** – Determine Level of Review

**Step 3** – Complete Checklist

**Step 4** – Publish/Post Notices

**Step 5** – Certifications

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

**Step 7** – State Objection Period

**Step 8** – State's Post-Release Review

**Step 9** – Re-Evaluation & Subsequent Amendment Procedure



# Step 1: Determine Project Description

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## **Activities – Complete Aggregation**

- *Any* funds, not just TxCDBG funds

## **Location-specific/geographic boundaries**

## **Existing conditions**

## **Any/all alternate options**

- Locations, routes, activities, acquisition...

## **Budget details**

- HUD funds/Non-HUD funds



# Step 2: Determine Level of Review

SUMMARY OF LEVELS OF ENVIRONMENTAL REVIEW & DOCUMENTATION REQUIRED IN ERR

A309

REV. 1-27-2016

**LEVEL OF ENVIRONMENTAL REVIEW**

58.34 Exempt	58.35(b) Categorically Excluded <b>NOT</b> subject to 58.5	58.35(a) Categorically Excluded <b>AND</b> subject to 58.5 "A" <b>checked</b> for all on Statutory Worksheet*	58.35(a) Categorically Excluded <b>AND</b> subject to 58.5 statutory authorities: <b>"B" checked for one or more</b> on Statutory Worksheet*	58.36 NEPA Environmental Assessment
<b>TYPE OF ACTIVITIES</b>				
Environmental and other studies  Resource Identification  Development of plans and strategies  Information and financial services  Administrative and Management Activities  Public services, i.e., employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, welfare, recreational needs  Inspections and testing for hazards or defects  Purchase insurance and tools  Engineering or design costs  Technical assistance and training  Temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities to control or arrest the effects from disasters or imminent threats to public safety, including those resulting from physical deterioration.  Payments of principal and interest on loans or obligations guaranteed by HUD	Tenant-based rental assistance  Supportive services such as health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent, mortgage, or utilities, assistance in gaining access to government benefits.  Operating costs including maintenance, furnishings, security, equipment, operation, supplies, utilities, staff training and recruitment  Economic development activities including equipment purchase, inventory financing, interest subsidy, operating costs, and other expenses not associated with construction or expansion  Activities to assist homeownership of existing dwelling units or units under construction, including closing costs and down payment assistance to homebuyers, interest buy downs or other actions resulting in transfer of title  Affordable housing pre-development costs: legal consulting, developer and other site-option costs, financing, administrative costs for loan commitment zoning approvals, and other activities which don't have physical impact.  Approval of supplemental assistance (including ins or guarantee) to a project previously approved under 58.5, if approval is by same the RE, and re-evaluation not required, per 58.47	Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity of more than 20% <ul style="list-style-type: none"> <li>Replacement of water or sewer lines</li> <li>Reconstruction of curbs &amp; sidewalks</li> <li>repaving of streets</li> </ul> Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped.  Single Family Housing Rehab <ul style="list-style-type: none"> <li>Unit density is not increased beyond 4 units,</li> <li>Project doesn't involve change in land use from residential to non-residential</li> <li>The footprint of the building is not increased in a floodplain or a wetland.</li> </ul> Multifamily Housing Rehab <ul style="list-style-type: none"> <li>Unit density change is not more than 20%</li> </ul>		Activities not exempt or categorically excluded.  Generally, new construction of 5 or more homes, and conversion from one type of land use to another.
Describe activity and make a written determination of exemption.  Also, determine compliance with 58.6: <ul style="list-style-type: none"> <li>National Flood Insurance Program</li> <li>Coastal Barrier Resource Act</li> <li>Runway Clear Zones</li> </ul>	Describe activity and make a written 58.35(b) determination.  Also, determine compliance with 58.6: <ul style="list-style-type: none"> <li>National Flood Insurance Program (NFIP)</li> <li>Coastal Barrier Resource Act (CBRA)</li> <li>Runway Clear Zones</li> </ul>			

\*HUD recommended format

Resources and assistance to support HUD's community partners



## HUD EXCHANGE

Programs ▾ Resources ▾

Home > Programs > Environmental Review

## Environmental Review

Welcome to the HUD Exchange environmental review website. 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.

### OEE Guidance in Response to COVID-19

These resources provide OEE updates, Section 106 information, and guidance on submitting OEE forms during the COVID-19 pandemic.

### Orientation to Environmental Reviews

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

- Join a Mailing List
- View Environmental Review
- Ask a HEROS Question
- Contact HUD Environmental Review

### Featured Topics

- Environmental Justice
- Office of Housing Environment Resources
- Web-Based Instructional System Environmental Review (WISER)
- HEROS (HUD Environmental Review System)
- HUD Environmental Regulation
- Environmental Assessment



# Step 2: Determine Level of Review

Forms

Performance Report

Environmental Review Main Form

Environmental Review Checklist

Status Options

Submit Report

### Basic Information

Level of Review \*

- Exempt Level of Review
- Categorically Excluded (b), Not Subject to 58.5
- Categorically Excluded (a), Subject to 58.5
- Environmental Assessment

SUMMARY OF LEVELS OF ENVIRONMENTAL REVIEW & DOCUMENTATION REQUIRED IN ERR

A309

rev. 1-27-2010

**LEVEL OF ENVIRONMENTAL REVIEW**

58.34 Exempt	58.35(b) Categorically Excluded NOT subject to 58.5	58.35(a) Categorically Excluded AND subject to 58.5 "A" checked for all on Statutory Worksheet*	58.35(a) Categorically Excluded AND subject to 58.5 statutory authorities: "B" checked for one or more on Statutory Worksheet*	58.36 NEPA Environmental Assessment
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TYPE OF ACTIVITIES



## Step 2: Determine Level of Review

### Environmental Impact Statement (EIS)

- Environmental Assessment results in a Finding *of* Significant Impact
- Contact TDA immediately





## Step 2: Determine Level of Review

### Tiered Review – 24 CFR 58.15

- **Broad Review**
- **Site-specific Reviews**
  - TDA approval of site-specific review *prior* to obligating funds for each site
  - Publication **must explain the criteria** *and review process*



# Step 3: Complete Checklists

## Checklist Sections by Level of Review

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps required? *	Are mitigation steps required? *	Description of Source Documentation *	Compliance determinations *	Description of Mitigation Measures *
<b>Section A (24 CFR §58.6)</b>					
Airport Hazards 24 CFR part 51 Subpart D	<input type="checkbox"/>	<input type="checkbox"/>			
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/>	<input type="checkbox"/>			
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/>	<input type="checkbox"/>			

A

<b>Section C</b>		
Environmental Assessment Factor	Impact Code *	Impact Evaluation *
<b>Land Development</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	<input type="checkbox"/>	
Soil Suitability/ Slope/ Erosion/ Drainage/	<input type="checkbox"/>	
Hazards and Nuisances including Site Safety and Noise	<input type="checkbox"/>	
Energy Consumption	<input type="checkbox"/>	
<b>Socioeconomic</b>		
Employment and Income Patterns	<input type="checkbox"/>	
Demographic Character Changes, Displacement	<input type="checkbox"/>	
<b>Community Facilities and Services</b>		
Educational and Cultural Facilities	<input type="checkbox"/>	
Commercial Facilities	<input type="checkbox"/>	
Health Care and Social Services	<input type="checkbox"/>	

C

<b>Section B (24 CFR §58.5)</b>					
Clean Air Clean Air Act, as amended, particularly section 170(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/>	<input type="checkbox"/>			
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/>	<input type="checkbox"/>			
Contamination 24 CFR Part 50.3(i) & 58.5(j)(2)	<input type="checkbox"/>	<input type="checkbox"/>			
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR part 402	<input type="checkbox"/>	<input type="checkbox"/>			
Explosive and Flammable hazards 24 CFR Part 51 Subpart C	<input type="checkbox"/>	<input type="checkbox"/>			
Farmstead Protection Farmland protection Policy Act of 1981, particularly sections 15D(4) and 15A; 7 CFR Part 558	<input type="checkbox"/>	<input type="checkbox"/>			
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR part 55	<input type="checkbox"/>	<input type="checkbox"/>			
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/>	<input type="checkbox"/>			
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/>	<input type="checkbox"/>			
Safe Drinking Water Safe Drinking Water Act of 1974, as amended, particularly section 142(d)(4); 40 CFR Part 145	<input type="checkbox"/>	<input type="checkbox"/>			
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/>	<input type="checkbox"/>			
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/>	<input type="checkbox"/>			
Environmental Justice Executive Order 12898	<input type="checkbox"/>	<input type="checkbox"/>			

B





# Step 3: Complete Checklists

## Credible and Verifiable Sources

5-RPT-02	particularly section 7; 50 CFR part 402			
Report	<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	<input type="checkbox"/>	<input type="checkbox"/>	Upon observation at the site, there are no explosive or flammable hazards
Review Main	<b>Farmlands Protection</b> Farmland protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/>	<input type="checkbox"/>	
Review Checklist	<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR part 55	<input type="checkbox"/>	<input type="checkbox"/>	The county judge says the area isn't prone to flooding.
Options	<b>Historic Preservation</b>	<input type="checkbox"/>	<input type="checkbox"/>	



# Step 3: Complete Checklists

Lift Station at intersection of Street X and Lane Y





# Step 3: Complete Checklists

## Section 106 Historical Clearance

**CSU21-0103-ENV-01**

Forms

Performance Report

- Environmental Review Main Form
- Environmental Review Checklist
- Environmental Review - Section 106**
- Environmental Review Part 55

Status Options

- Submit Report

Tools

- Landing Page
- Add/Edit People
- Status History

### Environmental Review – Section 106

**Section 106**

Before selecting a Stipulation category, review the detail provided in the Programmatic Agreement with Texas Historical Commission [HERE](#).

- Exemption Request for Section 106
- No Section 106 Exemption
- Cherokee Nation



# Step 3: Complete Checklists

## Section 106 Historical Clearance

**Section 106**

Before selecting a Stipulation category, review the detail provided in the Programmatic Agreement with Texas Historical Commission [HERE](#).

Exemption Request for Section 106

Stipulation V: \*

Provide Justification based on the selected Stipulation V option (e.g. age of building or facility, capacity of infrastructure.). \*

0 of 2000

Is the project located in a city or county that is not eligible for this exception, as listed [HERE](#).\*  Yes  No

Distance to the closest cemetery from each location of the TxCDBG Project(s) (in miles): \*

Map of the project location with historical markers and cemeteries identified, including distances marked: \*

Drag Files Here

"Before" Photos \*

Drag Files Here

+

After review confirmation that the project described in this environmental review meets the requirements of the Programmatic Agreement between TDA and THC, the Grant Recipient requests approval of this exemption from review by the State Historical Preservation Officer and all participating Tribal Historical Preservation Officers. This project will follow all statutes regarding Texas historical properties should any changes or additions be made to this project.

Date Exemption Requested

**TDA Environmental Review Specialist Action**

Exemption Approved

Exemption Declined



# Step 3: Complete Checklists

## Section 106 Historical Clearance

The screenshot shows the Texas Historical Commission website. The header includes the logo, navigation links (HOME, ABOUT US, PRESERVE, PROJECT REVIEW, NEWS & EVENTS, EDUCATION, HISTORIC SITES, EXPLORE TEXAS), and social media icons. The main content area is titled "eTRAC system" and describes the electronic THC Review and Compliance system. It includes a "Share" section with social media icons, a "SIGN UP FOR EMAIL UPDATES" button, and a "User's Guide and eTRAC Basics" section with links to the eTRAC home page and Users Guide.

TEXAS HISTORICAL COMMISSION  
REAL PLACES TELLING REAL STORIES

HOME • ABOUT US • PRESERVE • PROJECT REVIEW • NEWS & EVENTS • EDUCATION • HISTORIC SITES • EXPLORE TEXAS

Home » Project Review » eTRAC system

### eTRAC system

**eTRAC**  
*electronic THC review and compliance*

The Texas Historical Commission (THC) developed an electronic THC Review and Compliance (eTRAC) system to help streamline project review. To register for and use the system, please read the Users Guide. The eTRAC system is for projects that THC reviews under the Antiquities Code of Texas and Section 106 of the National Historic Preservation Act. Please review our other [Project Review](#) pages for more information about what types of projects fall under those categories.

#### User's Guide and eTRAC Basics

- [eTRAC home page](#)
- [Users Guide](#)

Share

[f](#) [t](#) [in](#) [e](#) [+](#)

**SIGN UP FOR EMAIL UPDATES »**

Forms »

Publications »

**Submit a Preservation Notice to the State Historic Preservation Officer (SHPO).**



## Step 3: Complete Checklists

### Section 106 – No Exemption

A screenshot of a web application dialog box titled "Search For Tribes". The dialog box is white with a dark blue header and footer. It contains three search options:

- Option 1: Search by Address**: A text input field containing "451 7th Street S.W., Washington, DC 20410" and a blue search button with a magnifying glass icon.
- Option 2: Select a Tribe**: A dropdown menu with the text "--Select One--" and a downward arrow.
- Option 3: Select by State/County**: A dropdown menu with the text "--Select One--" and a downward arrow.

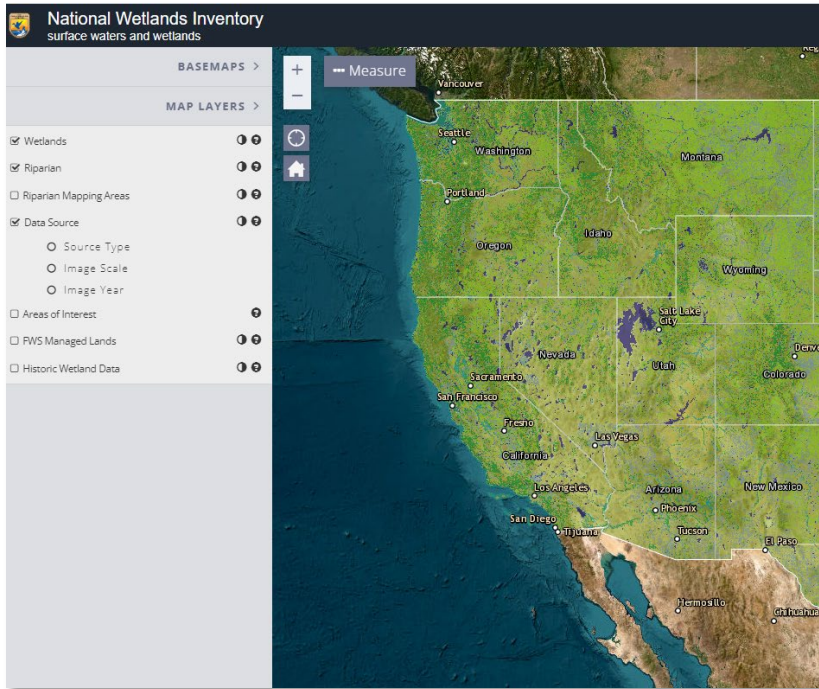
A "Close" button is located at the bottom right of the dialog box. The background of the dialog box shows a map of the United States.

**Consult with the Tribal Historic Preservation Officer (THPO) for each tribe.**



# Step 3: Complete Checklists

## Floodplain/Wetland Management – Part 55



### FEMA Flood Map Service Center: Search By Address

Enter an address, place, or coordinates:

Whether you are in a high risk zone or not, you may need [flood insurance](#) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 8 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.  
Learn more about [sageplainscan.com](#) to reduce flood risk damage.

#### Search Results—Products for AUSTIN, CITY OF

The flood map for the selected area is number **48453C0465K** effective on **01/22/2020**

**DYNAMIC MAP**

**MAP IMAGE**

**Changes to this FIRM**

- Revisions (2)
- Amendments (3)
- Revalidations (2)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FIR/ette. [Go To NFHL Viewer >](#)

**Legend:**

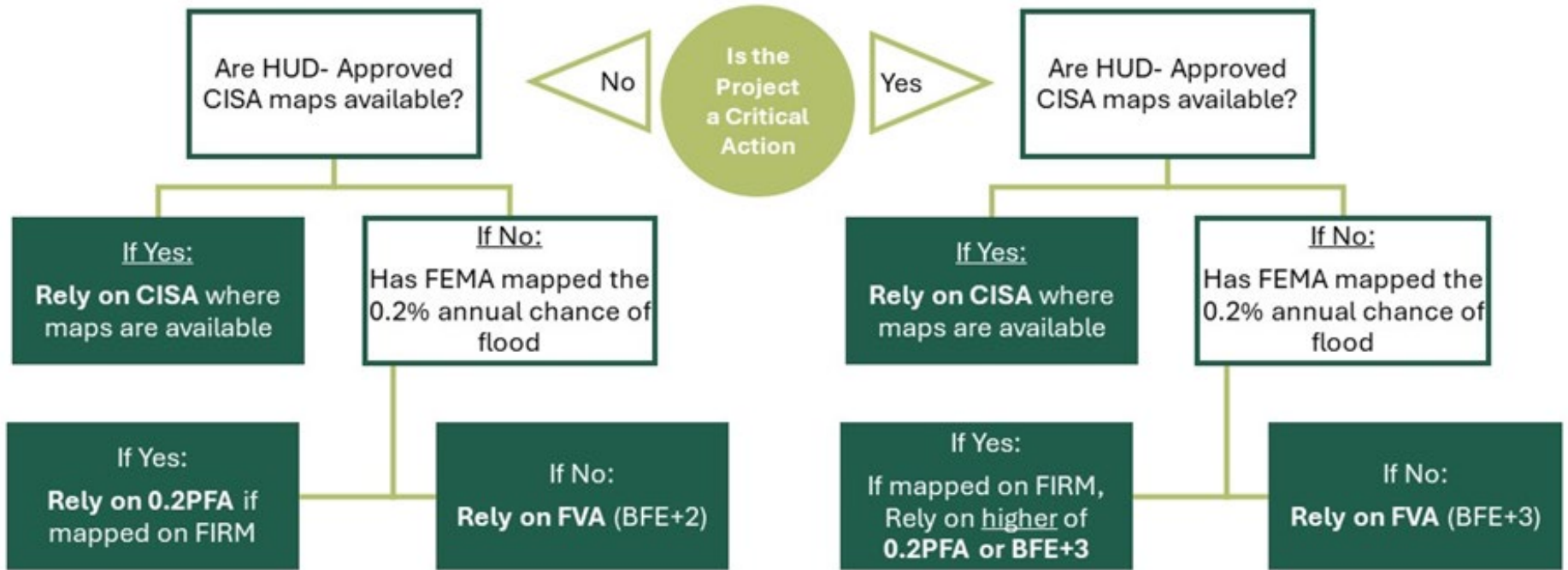
- Approximate location based on user input and does not represent an authoritative property location
- SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE)
- With BFE or Depth
- Regulatory Floodway (100-yr, 50-yr, 10-yr, etc.)
- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Flooding
- Base Flood Elevation Line (BFE)

24 CFR §55.2(b)(11)  
HUD's definition of wetlands



# Part 55

# NEW UPDATE







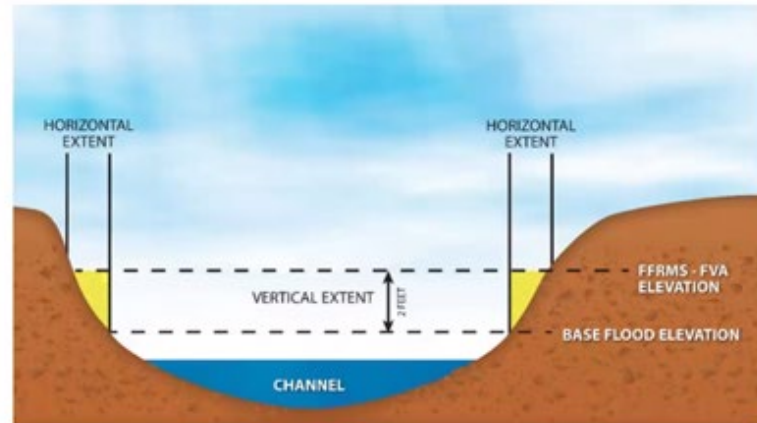
# Part 55

# NEW UPDATE



## The FFRMS Floodplain – New Rule

- Redefines the floodplain of concern
  - No longer regulates to 100-year floodplain
  - 8-step process required for projects in the newly defined FFRMS floodplain, unless excepted
  - Expands the area where Part 55 applies both vertically and horizontally
- Utilizes a tiered approach to determining the FFRMS floodplain
  - Climate-Informed Science Approach (CISA)
  - 0.2-Percent-Annual Chance Floodplain Approach (0.2PFA)
  - Freeboard Value Approach (FVA)
- Increases the required elevation for new construction and substantially improved structures





# NEW UPDATE

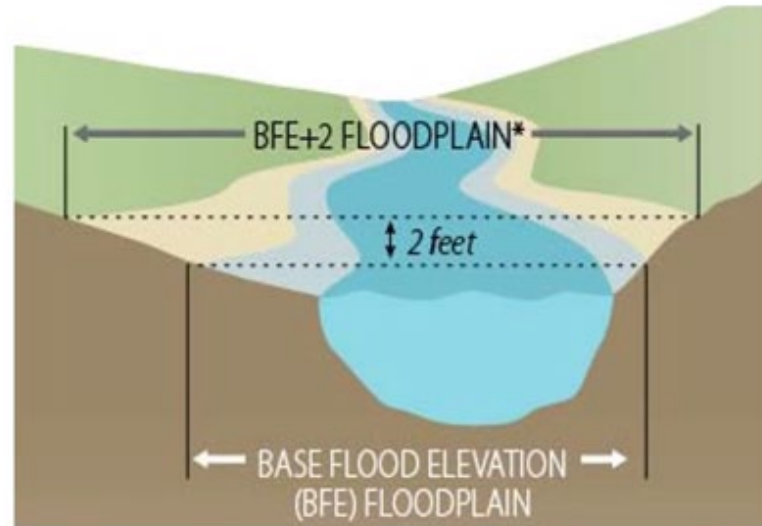


## Freeboard Value Approach

### Freeboard Value Approach (FVA)

Based on FEMA maps. FFRMS floodplain is the elevation and flood hazard area that result from

- Adding **2 feet** to the base flood elevation for non-critical actions
- Adding **3 feet** to the base flood elevation for critical actions





## Part 55

**NEW UPDATE**

### Step 7 of the 8-Step Process Sample Notice & Public Explanation

#### Step 7 of the 8 - Step Process

#### Sample

##### Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

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, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for [**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, natural values**]. [**State the total number of acres of floodplains involved**].



# Step 3: Complete Checklists

## Environmental Review Part 55

Instructions:  
Please complete this page and press the save button.  
Required fields are marked with an \*

Part 55 Floodplain/Wetlands Decision Making - complete this form for review levels Categorically Excluded(a), or Environmental Assessment only;

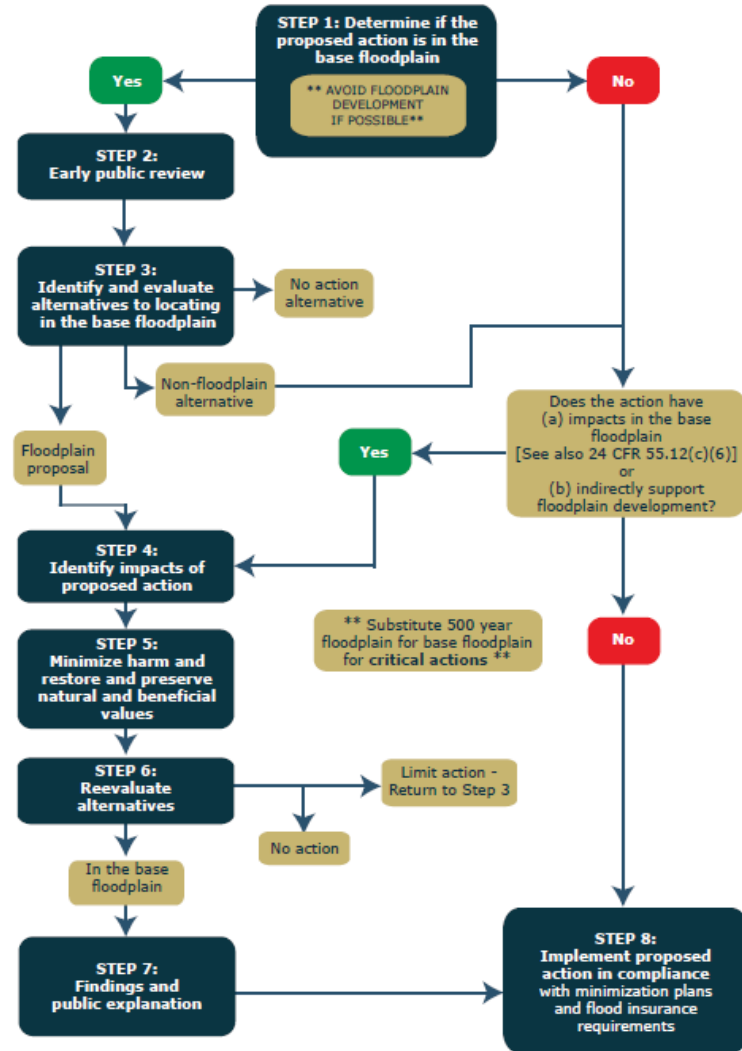
Step 1 - Determine If Proposal is in a Floodplain or Wetland

Is mapped as a floodway and mitigated using elevation (above or below) to avoid the floodway

- Is located in 100-year floodplain
- Is located in 500-year floodplain AND includes critical actions results in new construction in a wetland
- Is both located in a floodplain and impacts wetlands
- Is located in a floodway AND meets HUD criteria for eligibility
- Is mapped as a floodway and mitigated using elevation (above or below) to avoid the floodway
- Is located in a floodway and does NOT meet HUD criteria for eligibility
- located in wetlands but not a floodplain AND does not have new construction

## HUD's 8-Step Process

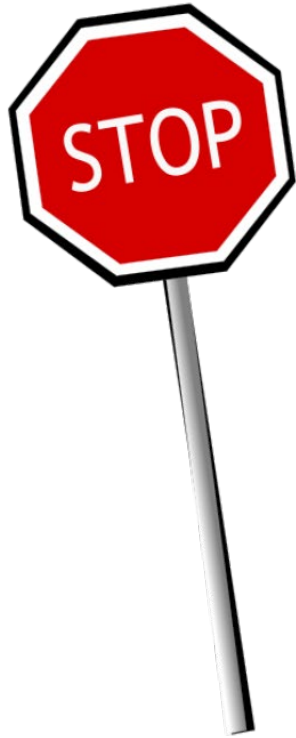
### 8- Step Decision-Making Process for Executive Order 11988





## Step 3: Complete Checklists

### Floodplain/Wetland Management – Floodways



**Projects in “floodways” may only be funded if they can be**

- Installed **below** the floodway
- Elevated **above** the floodway
- Housing/structure is functionally dependent

No housing or other structures not functionally dependent on the waterway will be funded, if located within the floodway itself.



# Step 3: Complete Checklists

## Section for Determination and Certification *Triggers Required Notices*

### Determination and Certification:

I certify that the following was completed: \*

- Exempt Level of Review - This activity is exempt from the standard environmental review process per 24 CFR 58.34(a)
- Categorically Excluded (b), Not Subject to 58.5 - This activity is Categorically Excluded and not subject to §58.5, per 24 CFR 35(b)
- Categorically Excluded (a), Subject to 58.5, Convert to Exempt - This categorically excluded activity/project converts to **EXEMPT** Level of Review per 24 CFR 38.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license.
- Categorically Excluded (a), Subject to 58.5), Formal Consultation/Mitigation - This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at 24 CFR 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" per 24 CFR 58.70 and 58.71 before committing or drawing down any funds.
- Environmental Assessment, Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment. Publish FONSI/NOI/RROF and obtain "Authority to Use Grant Funds" per Section 58.70 and 58.71 before committing or drawing down any funds.
- Environmental Assessment, No FONSI can be determined - STOP and contact TDA.

I certify that the above information is correct, the required checklists have been completed, and the required notices are ready for publication.

Environmental Review Preparer

Title

Date



# Step 4: Public Notice – NOI/RROF

## ER Determination *Triggers* Required Notices

### NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Sample  
2001  
Texas 78610  
55-5555

### REQUEST FOR RELEASE OF FUNDS

About the City of Sample will submit a request to the Texas Department of Agriculture Community Development Block Grant Program funds under Section 104 of Title I of the Community Development Act of 1974, as amended, to undertake a project known as , for Contractor shall construct one (1) lift station, install approximately seven thousand four hundred (4,000) of six-inch (6”) sewer force main, four thousand two hundred linear feet (4,200) gravity line, manholes and all associated appurtenances., and associated engineering activities, for an estimated cost of \$500,000.00 in HUD funds and \$50,000.00 in non-HUD funds. The project is located as follows: Cross St from approximately 450 l.f. south of 6th Street east Broadway to Hill Road. If funds allow, the project will also include Contractor shall construct four hundred sixty linear feet (4,460 l.f.) of ten-inch (10”) gravity sewer line from 6th Street to approximately 200 linear feet (200 l.f.) north of Hill Road.

An Environmental Review Record (ERR) that documents the environmental determination is on file at 300 City Hall Road, Austin, TX 77777 and may be examined or copied Monday through Friday, 9:00 a.m. to 4:00 p.m.

### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the TDA at [arwoski@texasagriculture.gov](mailto:arwoski@texasagriculture.gov). All comments received by [arwoski@texasagriculture.gov](mailto:arwoski@texasagriculture.gov) will be considered by the TDA in authorizing submission of a request for release of funds.

Comments should specify which Notice they are addressing.

### ENVIRONMENTAL CERTIFICATION

The City of Sample certifies to the State of Texas that Ann Smith in his/her capacity as Mayor

### NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Umbrella Academy DBA  
1234 Hargreeves St  
Glendale, Texas 72103  
(623) 485-6512

### REQUEST FOR RELEASE OF FUNDS

On or about the Umbrella Academy DBA will submit a request to the Texas Department of Agriculture for the release of Community Development Block Grant Program funds under Section 104 of Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as Lorem ipsum dolor sit amet, consectetur adipiscing elit. Praesent in nunc venenatis., CDV21-0105 for the purpose of , and associated administration and/or engineering activities, for an estimated cost of in HUD funds and in non-HUD funds. The project is located as follows: . If funds allow, the project will also include

### FINDING OF NO SIGNIFICANT IMPACT

The Umbrella Academy DBA 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 and may be examined or copied weekdays at .

An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at and may be examined or copied .

### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the at . All comments received by will be considered by the Umbrella Academy DBA prior to authorizing submission of a request for release of funds.

Comments should specify which Notice they are addressing.

### ENVIRONMENTAL CERTIFICATION

The Umbrella Academy DBA certifies to the State of Texas that in his/her capacity as consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental management and that these responsibilities have been satisfied. The State's approval of the



## Step 4: Public Notice – NOI/RROF

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### Notices posted in public locations:

- Affidavit of Posting - Form A101 is required
- Floodplain notices **must** be published “in an appropriate local printed news medium”; posting is not enough

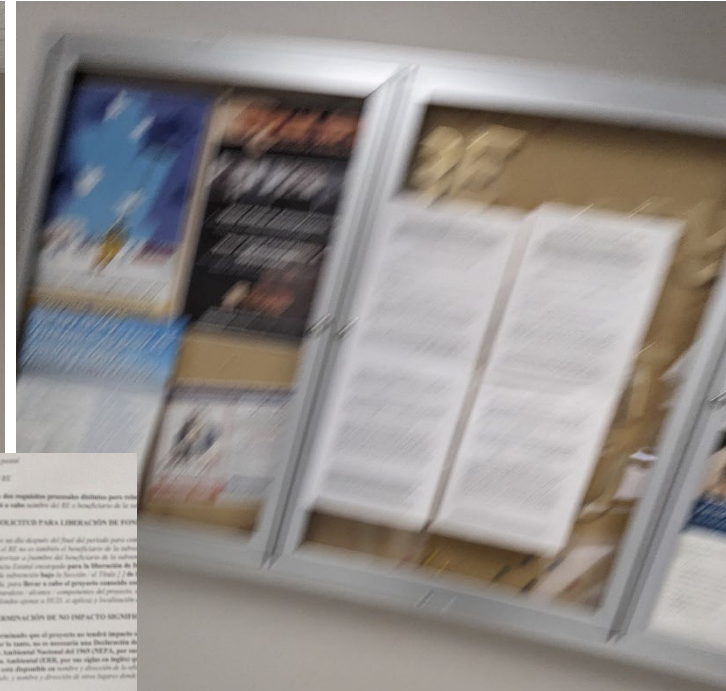
### Notices published in a newspaper:

- If tearsheet has clear date & name with full publication = no affidavit





# Step 4: Public Notice – NOI/RROF



## MODELO DE AVISO CON DETERMINACIÓN DE NO IMPACTO INTENCIÓN DE SOLICITAR LIBERACIÓN DE FONDOS

A continuación se provee el lenguaje recomendado por Federal (HUD, por sus siglas en inglés) para redactar un Determinación de No Impacto Significativo e Intención de Fondos. Dicho aviso se utiliza para proyectos que necesitan un permiso de la EPA. Palabras destacadas en **letra negra**. Palabras en *letra itálica* deben ser reemplazadas por lenguaje de proyecto y entidad responsable particular.

## AVISO DE DETERMINACIÓN DE NO IMPACTO AVISO DE INTENCIÓN DE SOLICITAR LIBERACIÓN DE FONDOS

Fecha del aviso

Nombre de la Entidad Responsable [RE, por sus siglas en inglés]

Dirección (por ejemplo, calle o apartado postal)

Ciudad, estado, código postal

Número de teléfono del RE

Estos avisos satisfacen dos requisitos procesales distintos pero relacionados para solicitar la liberación de fondos.

## SOLICITUD PARA LIBERACIÓN DE FONDOS

Formulario de solicitud para liberación de fondos en español, con secciones como: 'FOR RELEASE OF FUNDS', 'DETERMINACIÓN DE NO IMPACTO SIGNIFICATIVO', 'COMENTARIOS PÚBLICOS', and 'CERTIFICACIÓN AMBIENTAL'.

Formulario de solicitud para liberación de fondos en inglés, con secciones como: 'FOR RELEASE OF FUNDS', 'DETERMINATION OF NO SIGNIFICANT IMPACT', 'PUBLIC COMMENTS', and 'ENVIRONMENTAL CERTIFICATION'.

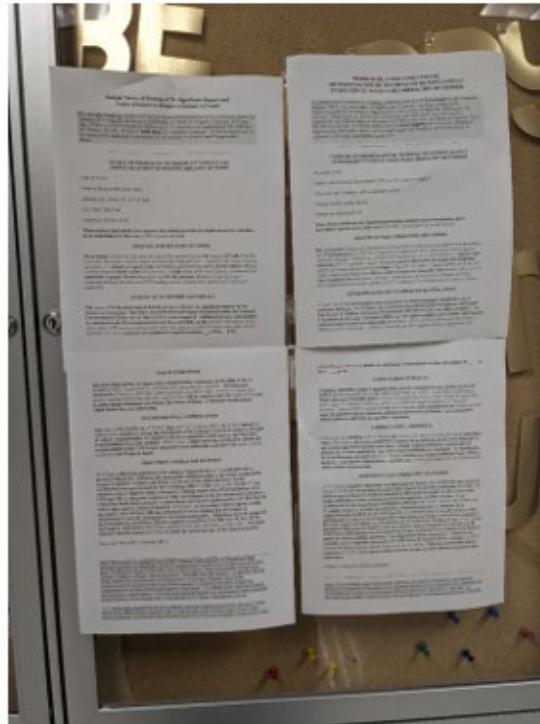


# Step 4: Public Notice – NOI/RROF



Outside of Public library on X Street

City Hall Bulletin on Y Street





# Step 4: Public Notice – NOI/RROF

## Public Comment Period

Level of Review	Period for public comment on the Notice
(a) Notice of Finding of No Significant Impact (FONSI)	15 days when published or, if no publication, 18 days when mailing and posting
(b) Notice of Intent to Request Release of Funds (NOI-RROF)	7 days when published or, if no publication, 10 days when mailing and posting
(c) Concurrent or combined notices	15 days when published or, if no publication, 18 days when mailing and posting

## Environmental Assessments – FONSI Notice

- MUST be sent to regional EPA office



# Step 5: Certification and Step 6: Submit Clearance Documentation to TDA

## Certification - RROF Not Required:

I certify that the above information is correct, the required checklists have been completed, and the RROF is not required.

<input type="checkbox"/>	Environmental Review Preparer	Title	Date
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Click [HERE](#) to generate text for Notices

Method of Public Notice *	<input type="text"/>
Date of Public Notice *	<input type="text" value="MM/DD/YYYY"/>
Comment Period Begin *	<input type="text" value="MM/DD/YYYY"/>
Comment Period End *	<input type="text" value="MM/DD/YYYY"/>
Comment Period Days	
Evidence of Public Notices *	<input type="button" value="Select"/> <input type="text" value="Drag Files Here"/>

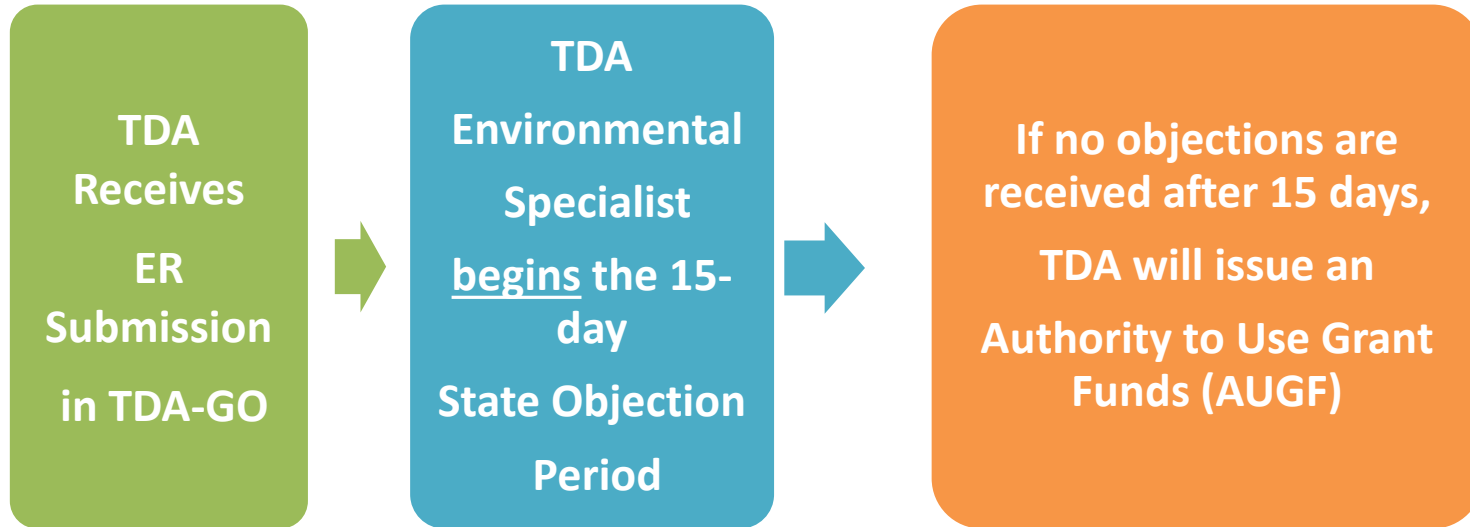
The Grant Recipient has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended; all required laws and authorities; and applicable State and local laws, as described in all documentation in this Environmental Review form and the Environmental Review Record retained locally.

As Certifying Officer, 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 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

<input type="checkbox"/>	Certifying Officer (listed above)	Title	Date
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# Step 7: State Objection Period and Release of Funds



--Subject Matter Expert Use Only--

**Authority to Use Grant Funds**

TDA Objection Period Begin

TDA Objection Period End

Authority to Use Grant Funds

I certify that the above information is correct

AUGF Certification                      Title                      Date



## Step 8: State's Post-Release Review

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### **Following the Authorization to Use Grant Funds:**

- Post Release Review under 24 CFR §58.18
- May occur at any time
- TDA will request the complete ERR
- RE must retain full ERR documentation

### **If review was inadequate or incorrect:**

- Provide additional documentation
- Finding of non-compliance
- Hold on Grant funding
- Conduct new Environmental Review
- Disallowed costs



# Step 9: Re-Evaluation of Environmental Determination and Subsequent Amendment Procedure

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## **Reevaluation of ERR 24 CFR 58.47**

*Changes that may trigger a new FONSI:*

- Change in project scope
- New location, not addressed in original review
- Increase of more than 20% in infrastructure capacity
- Change in method or design that impacts the physical environment
- Change to accommodate new circumstances and/or environmental conditions that have arisen during project implementation



# Step 9: Re-Evaluation of Environmental Determination and Subsequent Amendment Procedure

## Re-Evaluation of the Finding

- Clearly document that the changes are not substantial, and the determination is *still valid* after re-evaluation
- The Environmental Review Record should be updated with any new project locations, etc.
- Record the re-evaluation in TDA-GO

The screenshot shows a web-based form interface for 'Environmental Review - Re-evaluation'. On the left is a navigation sidebar with a dark blue header 'CDV21-0117-ENV-01'. The sidebar contains a 'Forms' section with a dropdown arrow, and several menu items: 'Performance Report Selection' (with a checkmark icon), 'Performance Report' (highlighted in dark blue), 'Environmental Review Main Form' (with a checkmark icon), 'Environmental Review Checklist' (with a checkmark icon), and 'Environmental Review - Re-evaluation' (with a square icon). Below these is a 'Status Options' section with a dropdown arrow. The main content area has a light gray header with the title 'Environmental Review - Re-evaluation'. Below the header, there are 'Instructions' that read: 'Please complete the page and press the save button. Required fields are marked with an \*'. The form contains two input fields: 'Amendment Number:' followed by a text box with a blue bar at the bottom and '0 of 20' characters; and a larger text area labeled 'Describe the project revisions that require re-evaluation'.





# Common Problems: Dates

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## **Avoid** making these mistakes:

- Checklist certified *after* publishing/posting
- RROF/Main Form in TDA-GO certified *before* the end of public comment period



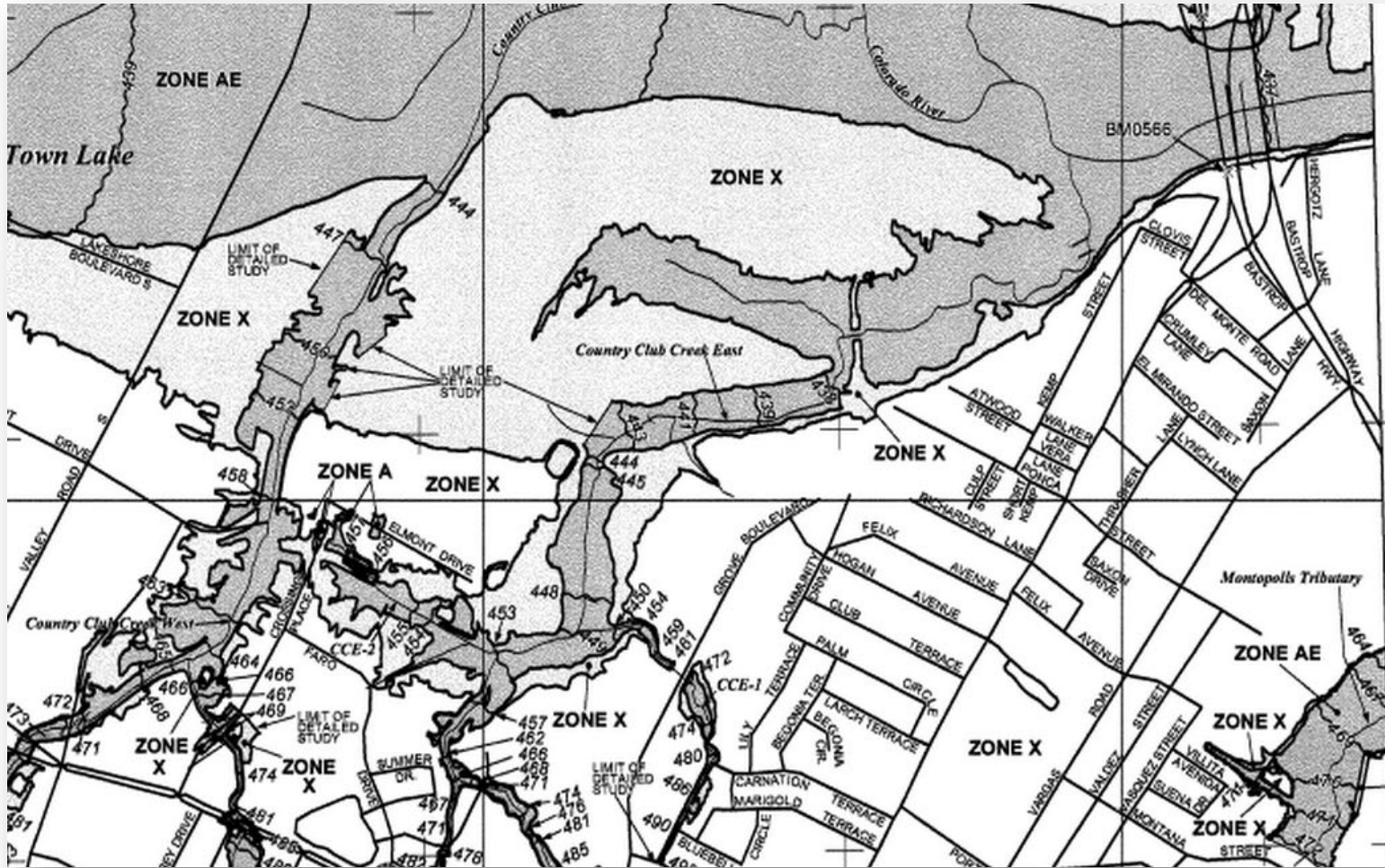
# Reasons Submissions are Denied

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- Inappropriate level of review
- Not completing Tribal consultation
- THC clearance vs. TDA SHPO exemption
- Lack of verifiable sources
- Lack of clear and specific geographic locations
- Not following 8-Step process for floodplains/wetlands
- Noting NA/ “not applicable”
- Maps not clearly identifying project location
- Project description not including all activities



# Where's the project?





# Where's the project?



Esri, USDA Farm Service Agency, Microsoft

Powered by Esri

<p><b>PHI</b></p> <ul style="list-style-type: none"> <li> approximate location based on user input and does not represent an authoritative property location</li> <li> Selected Flood/Map Boundary</li> <li> Digital data available</li> <li> No Digital Data Available</li> <li> Unmapped</li> </ul> <p><b>MAP PANELS</b></p> <ul style="list-style-type: none"> <li> Area of Minimal Flood Hazard Zone X</li> <li> Effective LOMRs</li> <li> Area of Undetermined Flood Hazard Zone D</li> <li> Otherwise Protected Area</li> </ul> <p><b>OTHER AREAS</b></p> <ul style="list-style-type: none"> <li> Coastal Barrier Resource System Area</li> </ul>	<p><b>SPECIAL FLOOD HAZARD AREAS</b></p> <ul style="list-style-type: none"> <li> Without Base Flood Elevation (BFE) Zone A, V, AH</li> <li> With BFE or Depth</li> <li> Regulatory Floodway Zone AE, AO, AH, VE, AR</li> <li> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X</li> <li> Future Conditions 1% Annual Chance Flood Hazard Zone X</li> <li> Area with Reduced Flood Risk due to Levee. See Notes. Zone X</li> <li> Area with Flood Risk due to Levee Zone D</li> </ul> <p><b>OTHER AREAS OF FLOOD HAZARD</b></p>	<p><b>OTHER FEATURES</b></p> <ul style="list-style-type: none"> <li> Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li> Coastal Transect</li> <li> Base Flood Elevation Line (BFE)</li> <li> Limit of Study</li> <li> Jurisdiction Boundary</li> <li> Coastal Transect Baseline</li> <li> Profile Baseline</li> <li> Hydrographic Feature</li> </ul> <p><b>GENERAL STRUCTURES</b></p> <ul style="list-style-type: none"> <li> Channel, Culvert, or Storm Sewer</li> <li> Levee, Dike, or Floodwall</li> </ul>
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# Key Takeaways

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- Bid/award at your own risk
- Start ER early
- Detail the details
- Use **verifiable** sources



# Additional References

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- HUD Exchange
- HUD WISER Modules
- ECFR.Gov
- HUD Updates
- TxCDBG Listserv for updates
- CDBG Implementation Manual, Chapter 3



# Questions/Comments

[CDBG\\_EnvReview@TexasAgriculture.gov](mailto:CDBG_EnvReview@TexasAgriculture.gov)



TEXAS DEPARTMENT OF AGRICULTURE  
**COMMISSIONER SID MILLER**