

Alabama Emergency Solutions Grants Program Compliance Workshop

24 CFR PART 58

ENVIRONMENTAL REVIEW

UNIT OF GENERAL LOCAL GOVERNMENT (UGLG)

Chris Perkins, PE

334-353-1028

christopher.perkins@adeca.alabama.gov

Presentation Outline

- Environmental Review Procedure for Non-profit Groups
- Responsible Entities
- Delegation of Authority
- Environmental Regulations
- Environmental Review Record (ERR)
- Activity Classifications
- Steps to Complete Environmental Reviews
- Floodplains/Wetlands
- Notice of Removal of Grant Conditions

Environmental Review Procedure for Non-profit Groups

- ADECA assumes the responsibility of conducting the Environmental Review

- Non-profit Groups Requirements:



Level of Review Chart

- Complete the ESG Non-profit Level of Review Form (ENV-NPLER) 
- Complete the ESG Non-profit Level of Review Form Attachment (ENV-NPLERA) for each Sub-recipient and Second-tier Sub-recipient receiving funds 
- Submit those completed forms to ADECA
- Wait for ADECA to notify you that authorization to proceed has been given

WAIT ...



Responsible Entities (RE)

- The RE is the Sub-recipient who receives HUD funds for ESG activities
- Environmental Review must be completed for all project activities **PRIOR** to obligating HUD funds
- HUD rules & regulations can be found in 24 CFR Part 58
- It is the responsibility of the RE to make the Level of Review determination
- The Environmental Review **MUST** be completed **BEFORE ANY** funds from **ANY** source can be expended



Delegation of Authority

Chief Elected Official = Mayor, County Commissioner, ...

ADECA Form ENV-DOA



Adobe Acrobat
Document

Environmental Regulations

- 24 CFR Part 51 – Manmade Hazards
- 24 CFR Part 55 – Floodplains & Wetlands
- 24 CFR Part 58 – Local Government Review
 - Unit of Local Government accepts HUD responsibility

ERR

- Record of determinations and findings
- Documents compliance
 - Using verifiable source documents and relevant base data
- Anything related to the Environmental Review should be in the ERR
- Legal document
 - Organized – Easy to follow for the general public
 - Comprehensible – Written for the general public

Classify Activities

Determine if the project activities are classified as:

- Exempt (58.34)
- Categorically Excluded Not Subject to 58.5 (58.35(b))
- Categorically Excluded Subject to 58.5 (58.35(a))
- Environmental Assessment (58.36)
- Environmental Impact Statement (58.37)

Exempt Activities (58.34)

Steps to Completing an “Exempt” Review:

1. Complete the Level of Review Determination form (ENV-LRD) 
Adobe Acrobat Document
2. Complete the Finding of Exemption form (ENV-FOE) 
Adobe Acrobat Document
3. Complete the Other Requirements Checklist form (ENV-ORC) 
Adobe Acrobat Document
4. Submit the Level of Review Determination form to ADECA & keep everything else in the ERR
5. You're Finished, wait for ADECA to notify you that you can spend funds



Categorically Excluded NOT Subject to 58.5 (58.35(b))

Steps to Completing a “Not Subject to” Review:

1. Complete the Level of Review Determination form (ENV-LRD) 
Adobe Acrobat Document
2. Complete the Categorically Excluded Not Subject to form (ENV-CENST) 
Adobe Acrobat Document
3. Complete the Other Requirements Checklist form (ENV-ORC) 
Adobe Acrobat Document
4. Submit the Level of Review Determination form to ADECA & keep everything else in the ERR
5. You're Finished, wait for ADECA to notify you that you can spend funds



Categorically Excluded Subject to 58.5 (58.35(a))

Steps to Completing a “Subject to” Review:

1. Complete the Other Requirements Checklist form (ENV-ORC) 
Adobe Acrobat Document
2. Complete the Categorically Excluded Subject to form (ENV-CEST) 
Adobe Acrobat Document

Here’s where it gets interesting... Does the project CONVERT to “Exempt”?
If YES...

3. Complete the Level of Review Determination form (ENV-LRD) & submit it to ADECA 
Adobe Acrobat Document
4. You’re finished, wait for ADECA to notify you that you can spend funds



Categorically Excluded Subject to 58.5 (58.35(a)) Cont...

If NO...

3. Complete the Level of Review Determination form (ENV-LRD) 
Adobe Acrobat Document
4. Publish/Post Notice of Intent to Request Release of Funds (NOI/RROF) 
Adobe Acrobat Document
5. After the Public Comment Period has expired submit
 - Request for Release of Funds (ENV-RROFC)
 - Level of Review Determination form
 - Copies of the Notice of Intent
 - Affidavits of Publication/Posting
6. You're finished, wait for ADECA to notify you that you can spend funds



Environmental Assessment (58.36)

- In ESG, only used in Major Rehabilitation & Conversion (Major Rehab = estimated cost of work > 75% cost of replacement after rehab)
- Process is similar to CEST
- Substitute in form ENV-HUDEA for form ENV-CEST
- Substitute in Combined Notice for NOI/RROF



Adobe Acrobat
Document



Adobe Acrobat
Document

Floodplains/Wetlands

If your project is located within either a Floodplain or Wetland:

1. Complete the 8-Step Process
2. **PUBLISH** the Early Public Notice
3. **PUBLISH** the Final Explanation
4. The Final Explanation may be published simultaneously with the NOI/RROF or Combined Notice

For Exempt Activities



- ENV-LRD Form

For Not Subject to Activities



- ENV-LRD Form

For Subject to-Converts to Exempt Activities



- ENV-LRD Form

For Subject to Activities

Complete ENV-
ORC

Complete ENV-
CEST

Complete ENV-
LRD

Publish/Post
Notices

Submit
Required
Documents

- Floodplain/Wetland
- NOI/RROF

- ENV-LRD Form
- RROF
- Notices
- Affidavits

For Full Assessment Reviews

Complete ENV-
LRD

Complete ENV-
HUDEA

Complete ENV-
ORC

Publish/Post
Notices

Submit
Required
Documents

- Floodplain/Wetland
- Combined Notice

- ENV-LRD Form
- RROF
- Notices
- Affidavits

Notice of Removal of Grant Conditions (NRGC)

The required documentation must be:

- The correct type
- Filled out correctly
- Executed correctly (Public Comment Periods)

Upon successful completion a NRGC will be issued and a copy will arrive with the Grant Agreement



Questions???



Thank YOU!