

Subrecipient Environmental Review Guidance



Updated 4/14/2020

These guidelines are meant to advise the subrecipient on conducting an environmental review. These guidelines are not all-encompassing. Certain requirements are tied to the context of the project, the level of environmental review, and what consulted parties advise. It is the Responsible Entities duty to understand these requirements and ensure their review is complete and in compliance with HUD regulations and requirements and 24 CFR part 58.

1. Utilize HUD worksheets, follow them closely and include them with the review.
<https://www.hudexchange.info/resource/4707/environmental-review-record-related-federal-laws-and-authorities-worksheets/> These will outline very important practices for notifying authorities. Each Worksheet will help you make determinations and offers layers of information that can guide you in obtaining the requirements to meet compliance.
2. Understand HUD guidelines offered online at HUD exchange. Ensure that contracted environmental specialists are also aware of these resources and requirements for CDBG-DR grants.
<https://www.hudexchange.info/programs/environmental-review/>
<https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#overview>
<https://www.hudexchange.info/programs/environmental-review/hud-environmental-regulations/#hud-environmental-regulations>
<https://www.hudexchange.info/programs/cdbg-dr/>
<https://www.hudexchange.info/programs/environmental-review/environmental-review-training/#environmental-review-procedures-and-resources>
3. Before consultation begins, ensure project scope is well defined so that all consulted parties can make a better determination on the impact of activities. If project scope changes during the consultation period, communicate this to all contacted parties.
<https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#project-description>
4. Reference CPD-12-006 for better understanding of process for Tribal consult.
<https://files.hudexchange.info/resources/documents/Notice-CPD-12-006-Tribal-Consultation-Under-24-Cfr-Part-58.pdf>
5. Utilize Tribal Directory Assessment Tool (TDAT <https://egis.hud.gov/TDAT/>) to determine the tribal contacts for each tribe in the area of the project. Often this includes more than one contact, a chairperson and a tribal historian. Contact them on government letterhead with signature of Responsible Entity Certifying Officer.
6. Maintain contact with notified parties and keep them informed of any changes in plans.
7. Understand the permissible basis for objections in public comment periods.
<https://www.law.cornell.edu/cfr/text/24/58.75>
8. Understand the timeline of required comment periods required for notices and public comment.
<https://www.law.cornell.edu/cfr/text/24/58.45>
<https://www.hudexchange.info/environmental-review/historic-preservation/>

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9. Utilize the NOI/RROF sample and the NOI/FONSI/RROF for guidance in this process.
<https://www.hudexchange.info/resource/2754/sample-notice-of-intent-to-request-release-of-funds/>
<https://www.hudexchange.info/resource/2755/sample-fonsi-and-rrof/>
10. Be meticulous in documenting correspondence. Be able to prove receipt of mail, costs of publication, and the dates of these actions. Documentation will help establish that notification protocols were followed in the correct order. Utilize delivery and read receipts on emails, and certified mail if using postage.
11. Include detailed scope and remain consistent in correspondence. Include all details of the project activity in the public notices. If scope of activity changes notify the consulting parties, including DEO and document their response.
12. Maps can be very informative of the environmental conditions of a project. Ensure supporting map resolution is clear. Ensure project area is well defined. Ensure all appropriate maps are present to support each statutory compliance documentation. HUD worksheets will assist. Make sure the scale of the map is appropriate for the scope of the project. For example, a flood map showing the project area or home for a site specific review, and a flood map of the county for a broad level unspecified site review.
13. Don't sign documents out of order. Signatures by certifying officer on statutory documents should come after appropriate waiting periods have ended. For example, don't sign and publish the FONSI before waiting periods for public comment have ended.
<https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#finalizing-the-review>
14. Utilize the Part 58 forms for reviews.
<https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/>
<https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>
<https://www.hudexchange.info/resource/3140/part-58-environmental-assessment-form/>
<https://www.hudexchange.info/environmental-review/environmental-assessments/>

This is a shorthand preparation checklist for major milestones in the consultation process. Utilize DEO Department checklists included in the subrecipient guidance files to ensure completeness of environmental reviews before submittal. Not all checks may be applicable depending on activity. HUD worksheets and consult will help determine if these checks are required.

- Exempt/CENST activities form with appropriate corresponding documentation to fund administrative and other activities outlined in 24 CFR 58.35
<https://www.law.cornell.edu/cfr/text/24/58.35>
- Project scope detailed and well defined

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- Tribal contacts reached using TDAT list
- Local contacts
- State contacts
- Federal contacts
- Clearinghouse contact
- Document original correspondence and all responses and comments
- If project scope of work is adjusted notify all parties
- 8 step floodplain
- 8 step wetland
- Early floodplain notice published and all agencies provided a copy of the notice
<https://www.law.cornell.edu/cfr/text/24/55.20>
- Final floodplain <https://www.law.cornell.edu/cfr/text/24/55.20>
- Document public comment
- Environmental review in compliance with 24 CFR Part 58
- Publish FONSI and send to all parties for Environmental Assessment
- Publish NOI/RROF and send a copy to agencies <https://www.law.cornell.edu/cfr/text/24/58.43>
- Monitor mitigation measures and continue correspondence with involved parties
- If new activity is proposed after release of funds apply reevaluation in accordance with 58.47