



**Homes and
Community Renewal**

Community Development Block Grant

Environmental Review Record Webinar

February 25, 2016

Environmental Review Record

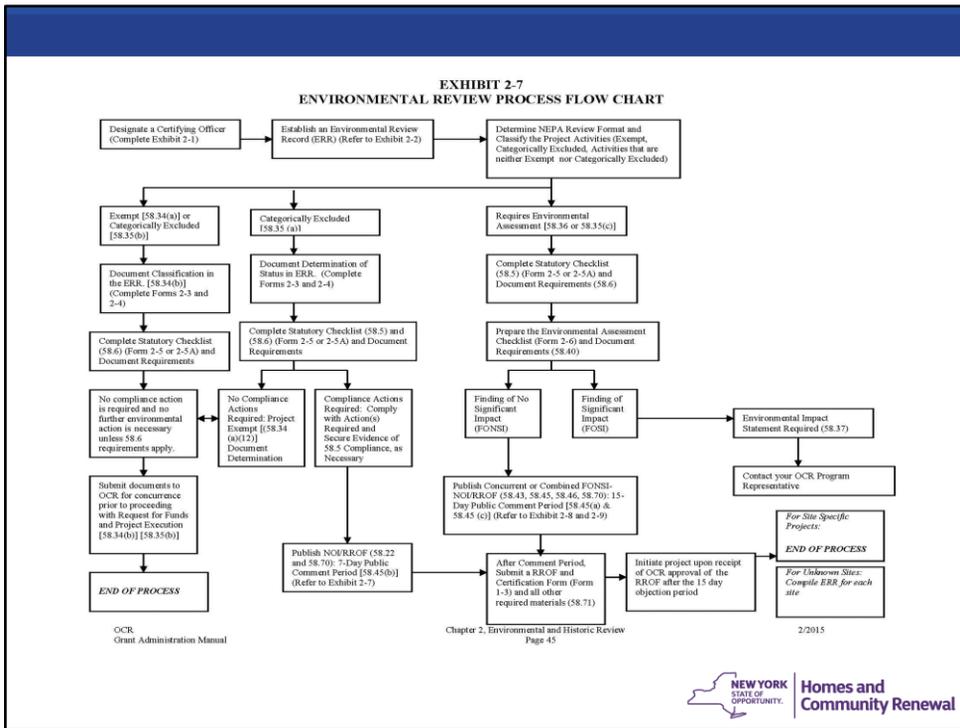
IMPORTANT!

The environmental review process, which will result in the submission of an Environmental Review Record (ERR) and ultimately, a release of funds or a letter of concurrence, should begin immediately upon notification of the NYS CDBG grant award.

Do not incur any project costs until the ERR is complete and a request for release of funds, or a letter of concurrence, has been received from the OCR.

- Costs associated with establishing and completing the ERR and release of funds may be requested for reimbursement **AFTER** the release of funds has been approved.
 - Any cost incurred, including, but not limited to construction, purchase of equipment, entering contracts, transfer of property, inventory, working capital, purchase orders for material, or labor costs are deemed as “choice-limiting” and are ineligible when these costs are incurred prior to a release of funds issued by OCR.
 - When in doubt, don't. Contact your developer with any questions.





This is Exhibit 2-7, the Environmental Review Process Flow Chart from Chapter 2 of the CDBG Grant Administration Manual, which can be found at <http://www.nyshcr.org/Programs/NYS-CDBG/GrantAdministration.htm>. It lists the individual steps to complete the Environmental Review and receive Release of Funds. **This chart will be helpful to reference as you conduct the environmental review in order to plan for the required documents, notices, or consultations with state and federal authorities.**

Environmental Review Process Overview

- 1) Determine Level of Environmental Review
- 2) Conduct the Environmental Review
- 3) Establish the Environmental Review Record
- 4) Complete the Release of Funds Process
- 5) Prepare to Commit or Spend Funds



Here are the five steps that every CDBG grant recipient should follow to complete their Environmental Review process and obtain access to grant funds. We will be covering each step individually in today's webinar.

Typically ERRs are due 90 days after award of the grant. For reference, ERR's are due March 11th for the recently awarded CFA projects, March 14th for the recently awarded housing projects and March 30th for the recently awarded projects in Westchester County.

Determine Level of Environmental Review

- **Designate a Certifying Officer (Exhibit 2-1)**
 - Should not be a consultant or engineer
 - Should be done by resolution
- **Define the Project**
 - Produce a succinct project description
 - Should address the entire project, not just the CDBG portion
- **Determine the NEPA Classification**
 - Exempt 58.34
 - Categorically Excluded 58.35(a) or (b)
 - Environmental Assessment
 - Environmental Impact Statement
- **Determine the SEQR Classification**
 - Type I
 - Type II
 - Unlisted



To begin the ERR process, all Recipients must designate a Certifying Officer and certify to their responsibility for acting as the Responsible Entity for conducting environmental reviews. The Certifying Officer may be the chief elected official or a designated representative who has the authority and is capable of assuring compliance with all environmental requirements and representing the Recipient in any challenge to such compliance.

Recipients should then begin to formulate an adequate project description. The project description must address the entire scope of the project, not just the CDBG portion of the project. For example, if CDBG funds are covering the sewer portion of a sewer and water line project, the ERR and project description must address both the sewer AND water portions of the project. Avoid using buzz words, such as “mixed-use” or “Sewer/water improvements.” You may consider using the project description provided in the grant application submitted to OCR.

The subsequent NEPA and SEQR classifications are based on the project description. For NEPA, the classifications include Exempt, Categorically Excluded 58.35(a) or (b), and projects that are neither exempt or categorically excluded, and require an Environmental Assessment or an Environmental Impact Statement. For SEQR, projects can be designated as Type I, Type II or Unlisted projects. The next slides will provide more information regarding the various NEPA and SEQR classifications.

Please note that much of this information, including the references from the federal register that regulate the NEPA process, can be found on our website in Chapter 2 of OCR’s grant administration manual.

Conduct the Environmental Review

Compliance with NEPA – Exempt 58.34 & Categorically Excluded 58.35(b)

- Activities include projects that do not alter physical conditions
- Does not require a public notice
- Forms Required:
 - Form 2-3 NEPA Classification Form
 - Form 2-3A SEQR Classification Form
 - Form 2-4 NEPA Classification Checklist
 - Form 2-5A Exempt Statutory Checklist



The first NEPA classification is the Exempt classification. Activities that are determined to be Exempt by the Certifying Officer under 24 CFR Part 58.34, are not required to undergo a full environmental assessment, public notice, or comment period. However, Environmental Review documentation must be submitted to OCR and a concurrence letter issued by OCR prior to the first request for funds.

Examples of exempt activities include, but are not limited to:

- Environmental and other studies, resource identification, and development of plans and strategies [(a)(1)];
- Information and financial services [(a)(2)];
- Administration and management activities [(a)(3)];
- Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare, or recreational needs [(a)(4)];
- Inspections and testing of properties for hazards or defects [(a)(5)];
- Purchase of insurance [(a)(6)];
- Purchase of tools [(a)(7)];
- Engineering or design costs [(a)(8)];
- Technical assistance and training [(a)(9)];
- Assistance for temporary or permanent improvements that do not alter

environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats, or physical deterioration [(a)(10)];

- Payment of principal and interest on loans made or obligations guaranteed by HUD [(a)(11)],

In addition, activities that are deemed to be categorically excluded 58.35(b), are also considered exempt provided that there are no circumstances which require compliance with any other federal laws and authorities, cited in 58.6[(a)(12)], such as other agency permits.

Examples of Categorically Excluded 58.35(b) activities include but are not limited to:

- Tenant-based rental assistance [(b)(1)];
- Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state, and federal government benefits and services [(b)(2)];
- Operating costs including maintenance, equipment, supplies, staff training and recruitment, and other incidental costs, security, operations, utilities, furnishings, equipment, supplies, staff training, recruitment, and other incidental costs [(b)(3)];
- Economic development activities, including but not limited to, equipment purchase not subject to construction, inventory financing, interest subsidy, operating expenses, and similar costs not associated with construction or expansion of existing operations [(b)(4)];
- Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title [(b)(5)];

Conduct the Environmental Review

Compliance with NEPA - Categorically Excluded 58.35(a)

- Activities include: Replacement of infrastructure, removal of architectural barriers, and housing rehabilitation activities when the unit density or capacity is not changed more than 20%
- Are subject to the Laws and Authorities (DOH, DOT, etc.)
- Forms Required:
 - Form 2-3 NEPA Classification Form
 - Form 2-3A SEQR Classification Form
 - Form 2-4 NEPA Classification Checklist
 - Form 2-5 Statutory Checklist



Activities classified as Categorically Excluded under 24 CFR 58.35 (a) require compliance with regulations at 24 CFR 58.5 and 58.6. Certifying Officers must determine if the project is subject to other related laws and regulations by completing the Statutory Checklist (Form 2-5). If the activities trigger compliance with any of the related laws and regulations, Recipients must comply with their environmental review requirements and publish a Notice of Intent / Request for Release of Funds (NOI/RROF). If the activity does not trigger compliance with any of the related laws and regulations listed on the Statutory Checklists, the activity is classified as Exempt.

Some examples of Categorically Excluded 58.35(a) activities include but are not limited to:

- Acquisition, repair, improvement, reconstruction, rehabilitation or installation of public facilities, and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent; this includes replacement of water and sewer lines, reconstruction of curbs and sidewalks, and street repaving [58.35(a)(1)];
- Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons [58.35(a)(2)];

- Rehabilitation of buildings and improvements for residential use (with one to four units), where the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland [58.35(a)(3)(i)];
- Any combination of the above activities

Conduct the Environmental Review

Compliance with NEPA - Environmental Assessment

- Projects that are not Exempt or Categorically Excluded 58.35(a) or (b)
- Are subject to the Laws and Authorities
- Forms Required:
 - Form 2-3 NEPA Classification Form
 - Form 2-3A SEQR Classification Form
 - Form 2-4 NEPA Classification Checklist
 - Form 2-5 Statutory Checklist
 - Form 2-6 Environmental Assessment Checklist



Activities that are neither Exempt nor Categorically Excluded require an Environmental Assessment (24 CFR 58.36). An Environmental Assessment (EA) enables Recipients to determine the degree of impact that an activity (by itself or in combination with other activities) may have on the environment and whether an Environmental Impact Statement (EIS) is required. In some cases, Recipients may want to omit the EA and proceed directly to the preparation of an EIS. An EIS is required for activities that may have a significant impact on the environment.

The EA should result in one of the following findings:

1. A Finding of No Significant Impact (FONSI), in which the Certifying Officer determines that the project is not an action that will result in a significant impact on the quality of the human environment
2. A Finding of Significant Impact (FOSI), in which the project is deemed to be an action which may significantly affect the quality of the environment (preparation of an EIS is required).

Conduct the Environmental Review

Compliance with NEPA - Environmental Impact Statement

- Projects that have been determined to have a potentially significant impact on the environment.
 - New construction containing a total of 2,500 or more beds
 - Rehabilitation 2,500 or more existing housing units
 - Provide enough additional water and sewer capacity to support 2,500 or more additional housing units
- ✓ If your project meets these thresholds or will result in other significant effects, consult with your OCR Community/Economic Developer regarding the preparation of an EIS.



An EIS is required for activities that may have a significant impact on the environment. Projects funded under the NYS CDBG program rarely require an EIS because they generally will not pose a significant impact on the environment. An Environmental Assessment enables Recipients to determine the degree of impact that an activity (by itself or in combination with other activities) may have on the environment and whether an Environmental Impact Statement (EIS) is required.

Conduct the Environmental Review

Tiered Environmental Review

- 2-tier approach, used to establish a “protocol” for a programmatic review, where individual sites have not yet been selected.
 - This approach is commonly used for projects including housing activities and microenterprise assistance.
 - Tier 1 establishes the policy or process to be followed as sites are identified, and individual reviews are completed.
 - Tier 2 site-specific reviews will not require notices or a Request for Release of funds unless impacts are found beyond those identified in Tier 1. Request for Release of Funds are processed at the Tier 1 stage. Work CANNOT commence on a specific site until the Tier 2 review is completed.



For projects where individual sites have not yet been identified at the time of application, such as housing rehabilitation and microenterprise activities, a tiered environmental reviews allows grant recipients to conduct an “umbrella” or programmatic review of possible environmental hazards or conditions that could be encountered. This is done to establish a protocol that will be followed when individual sites are selected, and a site-specific, or Tier 2, environmental review is done. These site-specific reviews will not trigger a separate Request for Release of Funds as long as conditions or impacts encountered were already addressed in the overall programmatic review. The recipient would then follow the compliance process identified in the original review, for the site. Site-specific reviews should be conducted before the commitment of funds, after the site has been selected. All compliance documentation for that individual site should be maintained in the project files. Request for Release of Funds are processed at the Tier 1 stage and the Release of Funds are issued at the Tier 1 stage.

In the event that conditions or impacts beyond those identified in the programmatic review are found during the course of the project, the recipient should bring this information, including information on adverse environmental impacts, to the attention of the OCR. Additional environmental review may be required in those situations.

Note that for homeownership projects, a tiered review must consider the potential impacts of any planned incidental rehabilitation activities, regardless of the funding source.

Conduct the Environmental Review

Compliance with SEQRA

- Form 2-3A, Certification of SEQR Classification
 - Type I Action
 - SEQR Long Form required
 - Coordinated Review
 - Publication in EMB
 - Unlisted Action
 - SEQR Short Form required
 - Coordinated Review
 - Type II Action



Compliance with SEQR requires Recipients to assess the environmental significance of all proposed activities. On Form 2-3A Recipients must classify the proposed activities according to criteria at 6 NYCRR Part 617.4 and 617.5 to determine if they are Type I, Type II, or Unlisted actions. Type II actions require no SEQR action other than documentation of the classification. Unlisted actions require a coordinated review, using a short Environmental Assessment Form (EAF) (full EAF is optional) resulting in a determination of significance, either a Positive Declaration or a Negative Declaration. Type I activities must use the full EAF in determining the significance of the action. Fillable versions of both EAF's as well as additional information on SEQR are available from the DEC website www.dec.ny.gov/permits/6191.html.

A Positive Declaration for either an Unlisted or Type I action requires the preparation of an Environmental Impact Statement (EIS). The SEQR process uses the EIS to examine ways to avoid or reduce adverse environmental impacts related to a proposed action. This includes an analysis of all reasonable alternatives to the action.

Conduct the Environmental Review

Compliance with SEQRA

- Lead Agency Determination
 - Coordinated Review



As part of the SEQR review, a lead agency determination must be made. When a single agency is involved, that agency will be the lead agency. When more than one agency is involved, a lead agency must be established prior to a determination of significance. The lead agency is the party that conducts the SEQR review. OCR requires Recipients of NYS CDBG funding to assume the role of lead agency unless another involved agency elects to assume such status. Please note that the OCR is an involved agency and must receive all correspondence related to SEQR for both Type I and Unlisted Projects, including projects that have already gone through SEQR.

If more than one agency is involved in the project, a coordinated review may be required which involves all of the involved agencies in the SEQR review process. Type I and Unlisted actions require coordinated SEQR review among all involved agencies, including OCR, before making a determination of significance.

Conduct the Environmental Review

Compliance with SHPO & THPO

- State Historic Preservation Office (SHPO)
 - Electronic Submission at:
<https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f>
- Tribal Historical Preservation Office (THPO)
 - Must be consulted for all ground disturbance projects
 - <http://egis.hud.gov/tadat/Query.aspx?state=New%20York>



Recipients must consult with the State Historic Preservation Office (SHPO) on whether there are any historic properties on the project site or whether the project will have an effect on historic properties and when ground disturbance is involved. SHPO is required to review all Federally funded new construction, rehabilitation or public facilities projects. Recipients must initiate the SHPO review process by submitting directly to SHPO through link above for every project that may include an action that may have an adverse impact on properties that may be of historic significance. SHPO may ask the applicant for further information regarding the existing site or proposed project design in order to make its determination. Recipients should consult with SHPO as soon as possible to prevent delays in the progress of their project.

In addition, all recipients must also consult with the Tribal Historical Preservation Office (THPO) on whether the projects will have an effect on tribal historic sites and any time ground disturbance is involved. Recipients should go to the link in the slide to determine the individual tribe contact and send a request for determination on the project. Tribal consultation must only be completed through this website listed and tribes must be given 30 days to respond to any request.

For any projects that does not have currently identified project sites, indicate as such on the 2-5 Statutory Checklist and that SHPO will be notified once those sites are determined.

Conduct the Environmental Review

Floodplain/Wetlands Management

- Determine if the proposed project located in 100-year floodplain and/or mapped or wetland habitat area.
- Floodplain/Wetland Notices
 - Exhibit 2-10 – Early Floodplain Notice
 - Exhibit 2-11 – Final Floodplain Notice

✓ Note that this notice should be one of the first steps in the environmental review process as it is required before any other notices are published.



If projects are located within a floodplain or wetland they are subject to Executive Order 11988 (Floodplain Management). This executive order protects against adverse impacts on floodplains; reduce risk of flood loss; minimize the impact of floods on human safety, health, and welfare; and to the extent possible, avoid the direct or indirect support of floodplain development, wherever there is a practicable alternative.

The Recipient must determine whether the proposed project is located in or will impact a 100-year floodplain or a 500-year floodplain (if it is a critical action). If it is located in a 100-year floodplain notices must be published in a newspaper of general circulation (Exhibits 2-10 and 2-11) and copies posted in public places (town hall, post office, and library). Copies must also be sent to federal, state and local organizations and individuals known to be interested in the project. **Note that this notice should be one of the first steps in the environmental review process as it is required before any other notices are published.**

**TIMELINE FOR PUBLISHED
EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN THE 100-YEAR FLOODPLAIN**

CALENDAR DAY	EVENT
0	PUBLICATION OF EARLY FLOODPLAIN NOTICE
1**	BEGIN COMMENT PERIOD ON EARLY FLOODPLAIN NOTICE (COMMENTS TO RESPONSIBLE ENTITY)*
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15**	END COMMENT PERIOD ON FINAL FLOODPLAIN NOTICE

* Substantive comments received during the Early Notice and Public Review of a Proposed Activity in the 100 Year floodplain comment period must be satisfactorily addressed prior to the publication of a FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN THE 100 YEAR FLOODPLAIN.

** These action days must not occur on a weekend or holiday. Weekend and holidays may occur on the days in between the action days.

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Here is an example of the Early Floodplain Notice timeline. This will aid you in filling out the correct dates for the Notice.

**TIMELINE FOR PUBLISHED
FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED
ACTIVITY IN THE 100-YEAR FLOODPLAIN**

CALENDAR DAY	EVENT
0	PUBLICATION OF FINAL FLOODPLAIN NOTICE
1**	BEGIN COMMENT PERIOD ON FINAL FLOODPLAIN NOTICE (COMMENTS TO RESPONSIBLE ENTITY)
2	
3	
4	
5	
6	
7	
8**	END COMMENT PERIOD ON FINAL FLOODPLAIN NOTICE

* Substantive comments received during the Final Notice and Public Explanation of a Proposed Activity in the 100 Year floodplain comment period must be satisfactorily addressed prior to the publication of a NOIRROF or FONS/NOIRROF and the submission of RROF and Certification form to the Office of Community Renewal.

** These action days must not occur on a weekend or holiday. Weekend and holidays may occur on the days in between the action days.



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And then here is an example of the Final Floodplain Notice timeline.

Establish the Environmental Review

Public Notices

- Notice of Intent to Request Release of Funds
 - 8 day recipient comment period followed by 15 day OCR comment period.
- Finding of No Significant Impact and Notice of Intent to Request Release of Funds
 - 16 day recipient comment period followed by 15 day OCR comment period.

✓ Recipient must submit the affidavit of publication for the notices with the ERR



Some projects require recipients to publish the Notice of Intent to Request a Release of Funds. The NOI/RROF includes an 8 day local comment period followed by a 15 day OCR comment period.

Some projects, including ones that require an Environmental Assessment or and Environmental Impact Statement, recipients must publish a combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Funds. The FONSI/NOIRROF includes a 15 day local comment period followed by 15 day OCR comment period.

After the public notices are published in a paper of general circulation, recipients should submit the affidavit of publication complete with the entire ERR.

TIMELINE FOR PUBLISHED REQUEST FOR RELEASE OF FUNDS AND ENVIRONMENTAL CERTIFICATION	
CALENDAR DAY	EVENT
0	PUBLICATION OF NOI/RROF
1**	BEGIN COMMENT PERIOD ON ERR (COMMENTS TO RESPONSIBLE ENTITY)
2	
3	
4	
5	
6	
7	
8**	END COMMENT PERIOD ON ERR*
9	RESPONSIBLE ENTITY SUBMITS RROF AND CERTIFICATION TO THE OCR
10**	BEGINNING OF OCR DECISION PERIOD
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24**	END OF OCR DECISION PERIOD

* Substantive comments received during the ERR comment period must be satisfactorily addressed prior to submission of RROF and Certification form to the Office of Community Renewal.

** These action days must not occur on a weekend or holiday. Weekend and holidays may occur on the days in between the action days.

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Here is an example of the Notice of Intent to Request Release of Funds timeline. This will aid you in filling out the correct dates for the Notice.

TIMELINE FOR COMBINED FONSI/NOIRROF NOTICE AND REQUEST FOR RELEASE OF FUNDS	
CALENDAR DAY	EVENT
0	PUBLICATION OF COMBINED FONSI AND NOIRROF
1**	BEGIN COMMENT PERIOD ON FONSI (COMMENTS TO RESPONSIBLE ENTITY)
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15**	END COMMENT PERIOD ON FONSI*
16	RESPONSIBLE ENTITY SUBMITS RROF AND CERTIFICATION TO THE OCR
17**	BEGIN THE OCR DECISION PERIOD
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32**	END THE OCR DECISION PERIOD

* Substantive comments received during the ERR comment period must be satisfactorily addressed prior to submission of RROF and Certification Form to OCR.

** These action days must not occur on a weekend or holiday. Weekend and holidays may occur on the days in between the action days.

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Here is an example of the FONSI notice timeline. This will aid you in filling out the correct dates for the FONSI.

Complete the Release of Funds Process

Form 1-3, Request for Release of Funds and Certification

- Cannot be authorized or dated by the Certifying Officer until the end of the comment period
- Must be submitted as an original copy.
- Upon review and approval OCR will send out a Release of Funds letter.
- Do not presume the Release of Funds has been approved until receipt of the Release of Funds letter has been received.



Following completion of the comment period recipients must mail the Form 1-3 to the OCR together with a copy of the public notice and a cover letter stating whether comments were received and, if so, how the recipient responded to the comments. The Request for Release of Funds and Certification should not be submitted before the recipient has addressed these comments. If the request is sent by FAX, the original signed form should be mailed to the OCR. The date of receipt by FAX will be counted as the submission date. However, the OCR will not issue a written approval for the release of funds until after the original signed form is received.

Required Forms

DESIGNATION OF CERTIFYING OFFICER AND ENVIRONMENTAL RESPONSIBILITY CERTIFICATION

Name of Certifying Officer (Recipient)
Office of Community Renewal
Hempstead Plaza
36-60 State Street, 4th Floor
Albany, New York 12207

RE: CDBG Project Number: _____

Dear _____:

I, _____, the authorized signatory for _____ do attest that:

- I understand that any projects that include CDBG funds must be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58.
- I understand that, except for actions involving activities determined to be Exempt (per 24 CFR 58.14 and NYS Office of Community Renewal procedures), *no physical alteration to individual sites can occur nor can funds for these activities be committed or expended until receipt of an environmental clearance letter from the Housing Trust Fund Corporation and for any subsequently identified specific sites, site-specific reviews are completed for which the Certifying Officer determines that there are no unanticipated impacts not impacts not adequately addressed in the program review related to the environmental clearance letter and said Officer certifies such determination.*
- I understand that should any part of a project site be physically altered, funds be committed, or funds be expended prior to receiving the appropriate environmental clearances, that the site will not be eligible for CDBG funding and the _____ may be responsible for any costs incurred except under the following circumstance: in the case of Exempt activities, concurrence from the NYS Office of Community Renewal that the particular action is Exempt prior to any physical alterations unless that action is taken to address an emergency situation in which case concurrence must be obtained no later than the first regular business day following such an event.
- I also notify you that _____ is designated as the **Certifying Officer** responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG project number _____ awarded to _____.

Sincerely,

Signature of Chief Elected Official _____

Typed Name and Title _____

Office of Community Renewal Form 2-1 Designation of Certifying Officer 1



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The following slides include examples of all of the required Environmental Review Forms. This is the Designation of Certifying Officer Form.

Required Forms

FORM 2-3
CERTIFICATION OF NEPA CLASSIFICATION

CDBG Project Number: _____ Date: _____

Name and Title of Certifying Officer: _____ Title: _____

Name of Responsible Entity: _____

Address (e.g., Street No. or P.O. Box): _____

Co/CITY, State, Zip Code+4: _____ NY _____

Telephone Number of Responsible Entity: _____

It is the finding of the _____ that the activity(ies) proposed in its _____ NYS CDBG project _____, etc.

Check the applicable classification:

- Exempt as defined in 24 CFR 58.34 (a).
- Categorically Excluded as defined in 24 CFR 58.35(b).
- Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(2)].
- Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.

If neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35(a) and (b)) can be checked, Form 2-6 Environmental Assessment will be required.

Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

- Affidavit of publication for Early Notice and Public Review of Proposed Activity Located in the 100 Year Floodplain attached
- Affidavit of publication for Final Notice and Public Explanation of Proposed Activity Located in the 100 Year Floodplain attached

Signature of Certifying Officer

Office of Community Renewal (10/2014)



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This is the Form 2-3 NEPA Classification Form.

Required Forms

FORM 2-3A
CERTIFICATION OF SEQRA CLASSIFICATION

CDBG Project Number: _____ Date: _____

Name and Title of Certifying Officer: _____ Title: _____

Name of Responsible Entity: _____

Address (e.g., Street No. or P.O. Box): _____

City/Town, State, Zip Code-4: _____ NY _____

Telephone Number of Responsible Entity: _____

It is the finding of the _____ that the activity(ies) proposed in its _____ NYS CDBG project, _____ are _____

Check the applicable classification:

- Type I Action (6NYCRR Section 617.4)
 - Identify the Lead Agency _____
 - Evidence of Lead Agency Declaration and Consent attached
 - Copy of Environmental Notices Bulletin attached
- Type II Action (6NYCRR Section 617.5)
- Unlisted Action (not Type I or Type II Action)
 - Identify the Lead Agency _____
 - Evidence of Lead Agency Declaration and Consent attached

Check if applicable:

- Environmental Impact Statement (EIS) Prepared
 - Draft EIS
 - Final EIS

Signature of Certifying Officer

Office of Community Renewal (2/2015)



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This is the Form 2-3A SEQR Classification Form.

Required Forms

Form 2-4
NEPA Classification Checklist

CDBG Project Number: _____ Date _____

Name and Title of Certifying Officer: _____ Title _____

Name of Responsible Entity: _____

Address (e.g., Street No. or P.O. Box): _____

Co/CTV, State, Zip Code+4: _____ NY _____

Telephone Number of Responsible Entity: _____

Exempt Activities (24CFR58.34)
Select only one or more of the following that apply:

- Environmental and other studies, resource identification and development of plans and strategies [58.34(a)(1)].
- Information and financial services [58.34(a)(2)].
- Administration and management activities [58.34(a)(3)].
- Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- Purchase of insurance [58.34(a)(6)].
- Purchase of tools [58.34(a)(7)].
- Engineering or design costs [58.34(a)(8)].
- Technical assistance and training [58.34(a)(9)].
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats or physical deterioration [58.34(a)(10)].
- Payment of principal and interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- Any of the categorical exclusions listed in 58.35(a), provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 58.5 [58.34(a)(12)].

Signature of Certifying Officer



This is the Form 2-4 NEPA Classification Checklist. This is a three page form, **ALL** three pages must be returned to the OCR.

Required Forms

Form 2-5 Statutory Checklist
Environmental Review for Activity/Project that is
Categorically Excluded/Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)

Project Information

Project Name & CDBG No.: _____

Responsible Entity: _____

Grant Recipient: _____

State/Local Identifier: _____

Preparer: _____

Certifying Officer Name and Title: _____

Consultant (if applicable): _____

Direct Comments to: _____

Project Location: _____

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Level of Environmental Review Determination:
 Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

Funding Information

Grant Number	Federal/State/Other Program	Funding Amount

Estimated Total HUD Funded Amount: _____

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: _____

2-5 Statutory Checklist
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NEW YORK
STATE OF
OPPORTUNITY

Homes and
Community Renewal

This is the Form 2-5 Statutory Checklist. Note, that under funding information, recipients should list all of the funding sources, not just CDBG.

In regards to the sections on Form 2-5 pertaining to Explosive and Flammable Facilities as well as Noise Abatement and Control, HUD has specific guidance and language that should be included for all housing projects. The language can be found at the following links:

- Noise Abatement and Control - <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>
- Explosive and Flammable Facilities - <https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>

Also, please note that an answer of “N/A” or “Not Applicable” is not an acceptable answer for any of the sections on this form.

This is a four page form, **ALL** four pages must be completed and returned to the OCR.

Required Forms

Form 2-5A Statutory Checklist
Environmental Review for Activity/Project that is
Exempt or Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

Project Information

Project Name & CDBG No.: _____
Responsible Entity: _____
Grant Recipient: _____
State/Local Identifier: _____
Preparer: _____
Certifying Officer Name and Title: _____
Consultant (if applicable): _____
Direct Comments to: _____
Project Location: _____
Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]: _____
Level of Environmental Review Determination:
 Activity/Project is Exempt per 24 CFR 58.34(a) _____
 Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b) _____

Funding Information

This project anticipates the use of funds or assistance from another State or Federal agency in addition to HUD in the form of (if applicable): _____

Grant Number	Federal/State/Other Program	Funding Amount

Estimated Total HUD Funded Amount: _____
Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: _____

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Homes and Community Renewal

This is the Form 2-5A Statutory Checklist. Again, under “Funding Information” recipients should list all of the funding sources, not just CDBG.

Also, an answer of “N/A” or “Not Applicable” is not an acceptable answer for any of the sections on this form as well.

This is a three page form, **ALL** three pages must be completed and returned to the OCR.

Required Forms

**Form 2-6 Environmental Assessment
Determinations and Compliance Findings for
HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name & CDBG No.: _____

Responsible Entity: _____

Grant Recipient: _____

State/Local Identifier: _____

Preparer: _____

Certifying Officer Name and Title: _____

Consultant (if applicable): _____

Direct Comments to: _____

Project Location: _____

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Statement of Purpose and Need for the Proposal [40 CFR 1508.9b]:

Existing Conditions and Trends [24 CFR 58.40(a)]:

Funding Information

Grant Number	Federal/State/Other Program	Funding Amount

Estimated Total HUD Funded Amount: _____

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:



**Homes and
Community Renewal**

And finally this is the Form 2-6 Environmental Assessment. Once again, under “Funding Information” recipients should list all of the funding sources, not just CDBG.

An answer of “N/A” or “Not Applicable” is not an acceptable answer for any of the sections on this form as well.

This is a five page form, **ALL** five pages must be completed and returned to the OCR.

Prepare to Commit or Spend Funds

Drawdowns

- Prior to submitting a Request for Funds then the municipality must have received the Release of Funds letter.
- Submit the Following:
 - Form 1-4 (Housing)
 - Form 1-5 (Public Infrastructure)
 - Form 1-6 (Economic Development)

✓ Drawdown forms can be emailed or faxed.



Following completion of the OCR comment period, that begins when the OCR received the Form 1-3, Recipients will receive a letter that states that they are allowed to drawdown CDBG funds.

Depending on the project type, Forms 1-4, 1-5 or 1-6 will need to be submitted in order to request CDBG grant funds.

Questions?

If you have any further questions following the conclusion of this webinar, submit your questions to ocrinfo@nyshcr.org or contact your assigned Community or Economic Developer at 518-474-2057

Please visit the OCR website at: <http://www.nyshcr.org/Programs/NYS-CDBG/>

