

Environmental Troubleshooting

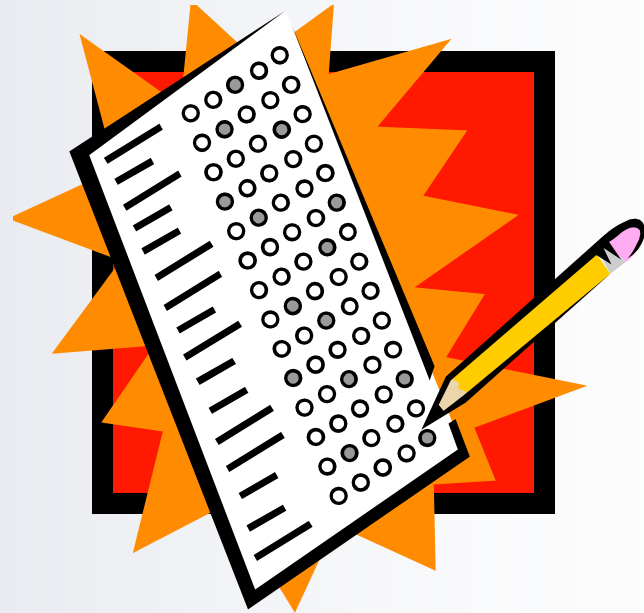


State Community Development Block Grant
Rhode Island

CDBG WORKSHOP

- Introductions & Updates
- Review of Top ER Issues:
 - Choice Limiting Action
 - Regulation Citations
 - Statutory Checklist
 - Public Notice
- Question/Answer
- Closing

Choice Limiting Action





Choice Limiting Action

- According to the NEPA (40 CFR 1500-1508) and Part 58, grantees are required to ensure that **environmental information** is available **before** decisions are made and before actions are taken.
- See 58.22 Limitations on activities pending clearance
- Therefore, grantees are prohibited from undertaking **any choice limiting actions**, prior to a completed environmental review process and release of funds.



Choice Limiting Action

- What is a Choice Limiting Action?
 - Any non-planning action to a potential CDBG project, prior to the environmental review completion/release of funds.
 - Includes -
 - Property acquisition,
 - Leasing,
 - Demolition,
 - Rehabilitation,
 - Construction, and
 - Site improvements (including site clearance).



Choice Limiting Action

- **Can I still undertake these actions with non-HUD funds, prior to ER/Release of Funds?**
- **NO.** Choice limiting actions include BOTH HUD and non-HUD funds:
 - Other Federal Funds
 - Local Funds
 - Private Funds
 - Donations

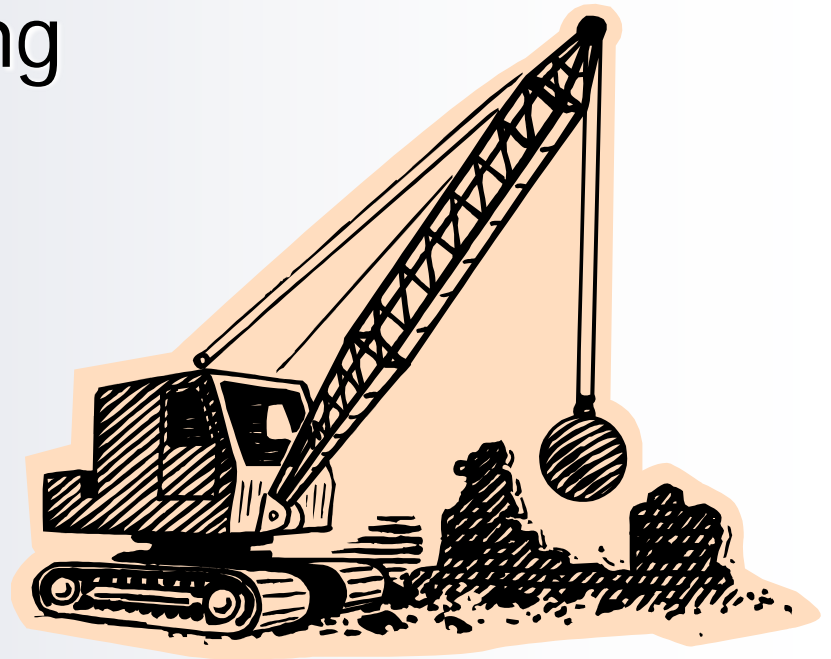
Choice Limiting Action??

Purchase of House with Private funds with intended use of CDBG for hard costs associated with developing it into affordable housing.



Choice Limiting Action??

Clearing of a parking lot and small outbuildings at a property that is applying for CDBG funds to create a park.

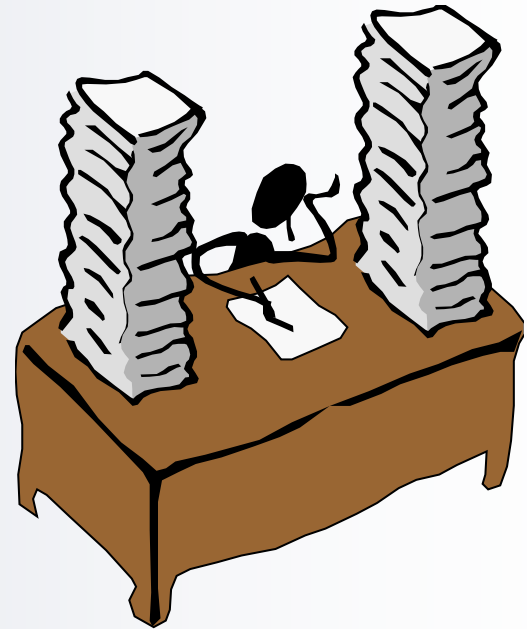


Choice Limiting Action??

A contract is awarded to an engineering firm to draft engineering plans and specifications for a new park totally funded with CDBG.



Citing Regulations





Using the Environmental Regulations

SELECTED CITATIONS FROM PART 58

- Project Aggregation 58.32
- Level of Review 58.34, 58.35, 58.36
- Publication/dissemination of Findings 58.43
- Public Comment Periods 58.21, 58.45
- Adoption of other agencies' EISs 58.52
- Other Requirements 58.6
- ERR Environmental Review Record 58.38
- Supplemental Assistance 58.35(b)(7)

ENVIRONMENTAL REVIEW RECORD

LEVEL OF ENVIRONMENTAL REVIEW CHECKLIST.

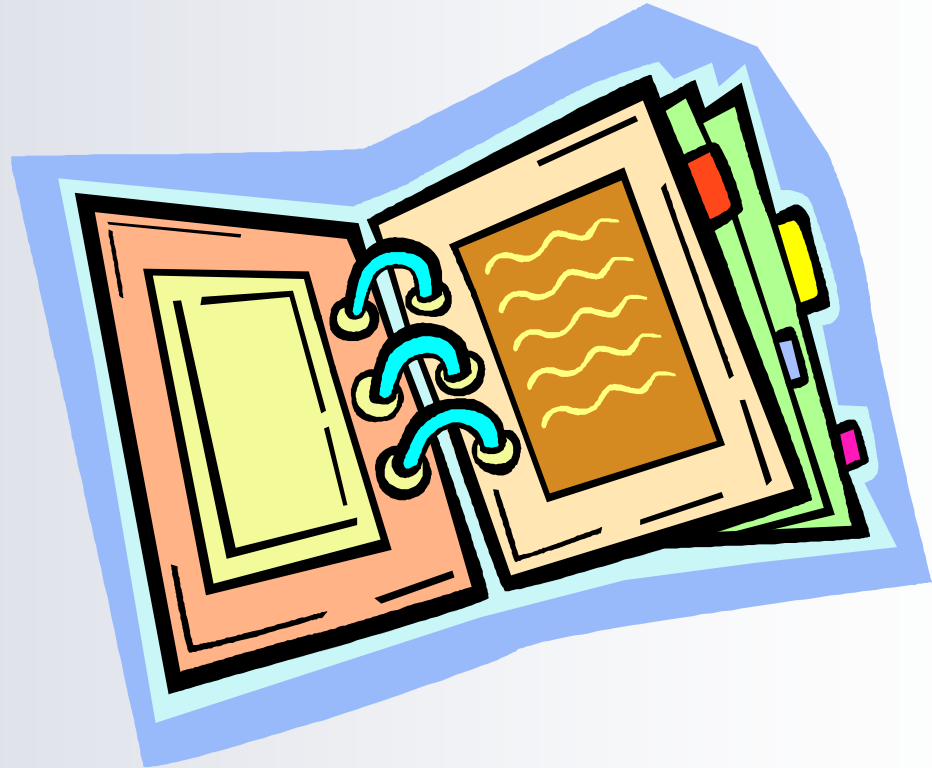
Grant Year: 2012

Activity Name (<i>list each funded activity</i>)	Level of Review	Part 58 Citation	Required Documentation*
1. Admin	Exempt	58.34(a)(3)	Finding of Exemption
2. Residential Rehab Grants/Loans (4 unit max)	Categorically Excluded (Tier 1)	58.35(a)(3)(i)	Finding of Cat Excl, Tier I Checklist with Supporting Documentation
3. Residential Rehab Operating	Exempt	58.34(a)(3)	Finding of Exemption
4. Womens Resource Center Operating	Exempt	58.34(a)(4)	Finding of Exemption
5. Streetscape Improvements	Categorically Excluded	58.35(a)(1)	Finding of Cat Excl, Checklist with Supporting Documentation

Notes: Documentation of "Other Requirements" found at 58.6 must be completed for all activities including Exempt.

1. Tier 2 review is required for each property to be assisted with residential rehabilitation funds. In project file.
2. Streetscape Improvements may convert to exempt after completing checklist

Activity





Using the Environmental Regulations

Remember, when in doubt, call OHCD.

It is better to take the time up front and get it right than to have to complete the whole process all over again!

Statutory Checklist



Statutory Checklist

- Rhode Island specific
- Thresholds
- Links to suggested source documents

Floodplains & Wetlands

8-Step Process



Credit: AP Photo/Joe Giblin

<http://interactives.wpri.com/photomojo/gallery/166/2935/2010-historic-floods/warwick-mall-flooded/>

Public Notices & Request for Release of Funds



Public Notices & Request for Release of Funds

- Do not include Exempt activities in NOI/RROF
- Addresses for submission of comments (local & state) should be accurate and adequate
- RROF should not be dated on the last day of comment period

Public Notices & Request for Release of Funds

- Comment Period starts day after date of ad/posting
- NOI/RROF must include a funding amount for each activity; don't aggregate
- Certifying Officer – pertinent regulatory cited at 58.13

Public Notices & Request for Release of Funds

**When Mailing/Posting NOI/RRoF, send copies to:
Applicable funding subrecipients**

EPA Director, Federal Agency Liaison Division
Office of Federal Activities
1200 Pennsylvania Avenue NW Mail Code: 2388A
Washington, DC 20460

EPA Office of Environmental Management
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RI DEM
235 Promenade Street
Providence, RI 02908-5767

Review of Pretest



Questions?

