

# Determine Level of Review

- Determine the most appropriate level of review using the Compliance Guidebook, identify activities that fall under the review levels.
- All forms should be completed and signed with complete project activities including locations, work to be done and addresses or cross streets identified as necessary.
- Who can sign forms: The CEO of the Responsible Entity or the person authorized to represent the entity in Federal Court.
- Word Based Documents: Most all of them are word based but don't alter the form itself.
- **DON'T ASSUME A FULL EA**

# Complete Checklists

## Admin and Eng. Exemption

- Exemption Determination for under 24CFR58.34(a)
- Numbers 3 and 8

## Exempt and Categorically Excluded Not Subject to §58.5:

- Compliance Checklist for 24 CFR §58.6, Other Requirements
- Exemption Determination under 24CFR58.34
- Categorical Exclusion Determination under §58.35(b)

## Categorically Excluded, Subject to §58.5:

- Compliance Checklist for 24 CFR §58.6
- Categorical Exclusion Determination under §58.35(a)
- Statutory Checklist for compliance with 24CFR58.5 and related Worksheet
- Request for Release of funds HUD 7015.15

## Environmental Assessment:

- Compliance Checklist for 24 CFR §58.6, Other Requirements
- Statutory Checklist
- Assessment Checklist
- All related Worksheets
- Request for Release of Funds HUD 7015.15

# Complete Checklists (cont.)

## Historical Preservation

- Must have concurrence from the State Historic Preservation Office (SHPO)
- TDA Programmatic Agreement with Texas Historical Commission (THC)
- Request for Exemption from SHPO Review Project Determination Form (Form A301)

## Categorical Exclusion Converted to Exemption §58.34(a)(12)

- Under rare circumstances a Category Excluded project fails under Exempt status under §58.34(a)(12) and that none of the statutory requirements under §58.5 apply. Grant Recipient will determine if the project can be converted to Exempt under §58.34(a)(12).

## Tiered Review

- Projects with multiple, non-contiguous locations (ex. housing rehab)
- Complete a Broad-Level Tiered Environmental Review using format provided on HUD website
- Document compliance for each specific site
- Site specific review must be completed prior to obligating funds for each site
- **Publication must explain the criteria and review process for the project.**

# Submit Clearance Documentation To TDA

## EXEMPT PROJECTS UNDER 24 CFR §58.34(a):

- Exemption Determination §58.34
- Compliance Documentation Checklist under §58.6
- Letter from the Entity Stating intent to declare exemption.

## CATEGORICAL EXCLUSION UNDER §58.35(b)

- Letter from the Grant Recipient supporting the Categorical Exclusion level of review
- Categorical Exclusion Determination §58.35(b)
- Compliance Documentation Checklist §58.6

## CATEGORICAL EXCLUSION §58.35(a)

- Letter from Grant Recipient supporting the Categorical Exclusion level of review.
- Categorical Exclusion Determination §58.35(a)
- Publications for NOI/RROF Request for Release of Funds (Scanned and then mail an original) two sided One page.

# Submit Clearance Documentation To TDA (cont.)

## FULL ENVIRONMENTAL ASSESSMENT (EA)

- Letter from Entity
- Request for Release of Funds scanned (One original to be mailed) two sided single document.
- Publication with affidavit, scanned full print page, scanned and then send tear sheet with the original RROF.

## ADDITIONAL REQUIREMENTS FOR EACH LEVEL OF REVIEW

- **EXEMPTION DETERMINATION UNDER 24CFR34(a)(10):**  
The entity must review the project and ensure that it is not:
  - *located in a floodplain, a known critical habitat for endangered species, an historic property, or a known hazardous site (see HUD Memo 12-11-12).*

# Step 7 – State Objection Period and Release of Funds



**This is not an indication that TDA has reviewed and approved the entire Environmental Review record for the project.**

**CE / Exempt projects do not require an Objection Period BUT WILL receive a clearance.**

# State's Post-Release Review

Following the Authorization to Use Grant Funds, TDA could conduct a post-release monitoring review in accordance with 24 CFR 58.18. Review may occur at any time after the release of funds and prior to the closeout of the grant contract. TDA will request either:

- Complete Statutory Checklist and Assessment Checklist (if applicable) referencing verifiable supporting documentation; or
- Complete Environmental Review Record.

Significant violations of federal requirements may result in disallowed costs and/or requirement to pay grant funds in whole or part if funds have been obligated based on an RROF found to be invalid.

# Environmental Review Process - Abbreviated

**Administrative and Engineer Exemption on or before the date of the Resolution to apply for funds.**

**Review of the project description: What is there now? What will be there in the future? How will this be accomplished?**

**Create a project description: What will be done and where SPECIFICALLY.**

**Determine the level of review: Exempt > CE(b) > CE(a) > EA**

**Prepare the Environmental Review Record(ERR): 58.38 *ERR Documents*. The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings required by this part as evidence of review, decision making and actions pertaining to a particular project of a recipient. The ERR shall also contain verifiable source documents**

**Sign and complete all necessary paperwork and forms. ALL FORMS MUST BE SIGNED BY THE CEO or person taking responsibility for representing the entity in court.**

**Submit required documentation to TDA for approval and clearance.**

# Revisiting the Review

## **Major reasons for revisiting a review:**

- Record mitigation measures
- Changes in project scope
- Re-evaluate the project
- Adding another source of funding -  
leads to change in the project?
- Change in conditions
- See §58.47
- **Use of another agency's work**

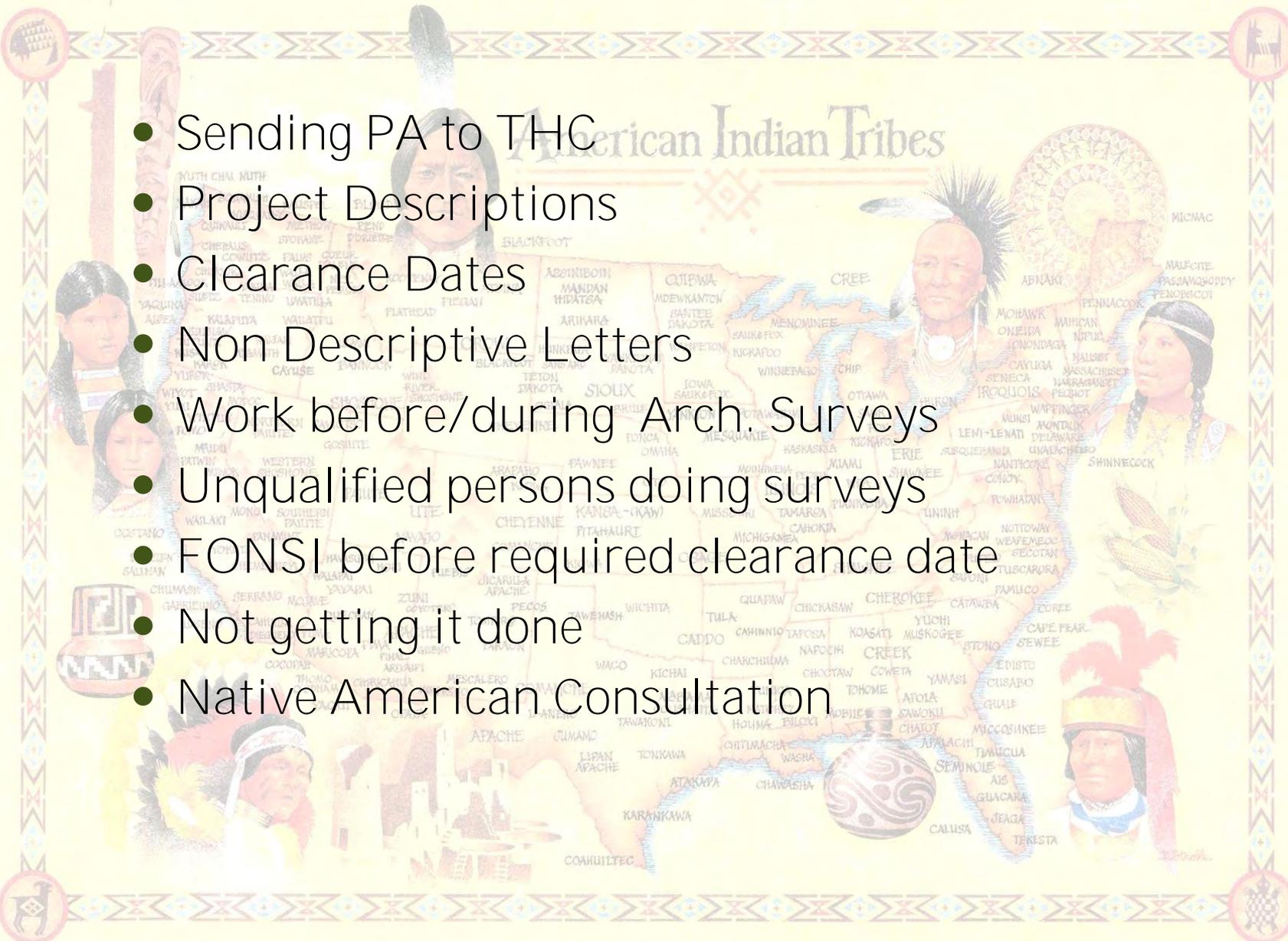
# Common Problems

- RROF / Environmental Packets
- Historical review
- Environmental Review Record
- Support Documentation
- Assessment Checklist
- Floodplain

# Common Problems Environmental Packets

- Signature dates
- Admin and Engineering Exemptions
- Notaries
- Wrong RROF for current period (6/2012)
- No project description
- Non-Certifying officer
- Wrong project description
- Lack of detail in forms and publication

# Common Problems Historical

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- Sending PA to THC
  - Project Descriptions
  - Clearance Dates
  - Non Descriptive Letters
  - Work before/during Arch. Surveys
  - Unqualified persons doing surveys
  - FONSI before required clearance date
  - Not getting it done
  - Native American Consultation

# Common Problems ERR

- 24CFR58.38(a): The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings required by this part as evidence of review, decision making and actions pertaining to a particular project of a recipient.
- NOT Signed
- Missing letters / publications
- No photos
- Missing worksheets / support docs
- Missing Checklists
- Missing Exemption and RROF

# Common Problems Support Documentation

- No photos – Prove that a site visit was done.
- Too General (Species info)
- Hazardous Chemicals
- Not using worksheet (Doing too much)
- Letters Not specific
- Maps/ markings and Dates
- Officials referenced NAMES AND TITLES
- Endangered Species Letter

**“You’re Gonna Do What?!!!”**



# Why Support Documentation?

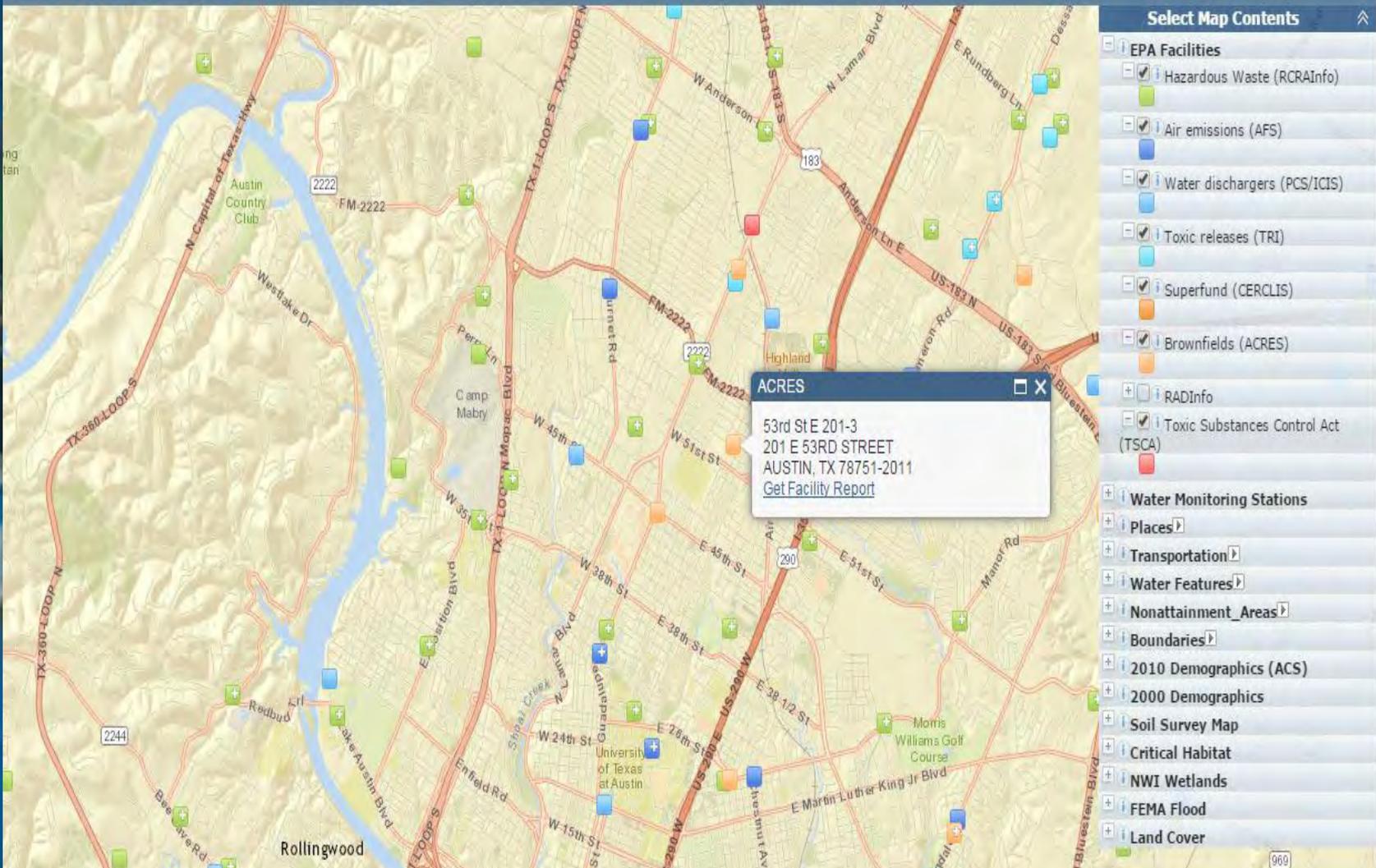


# Explosives, Flammable Facilities

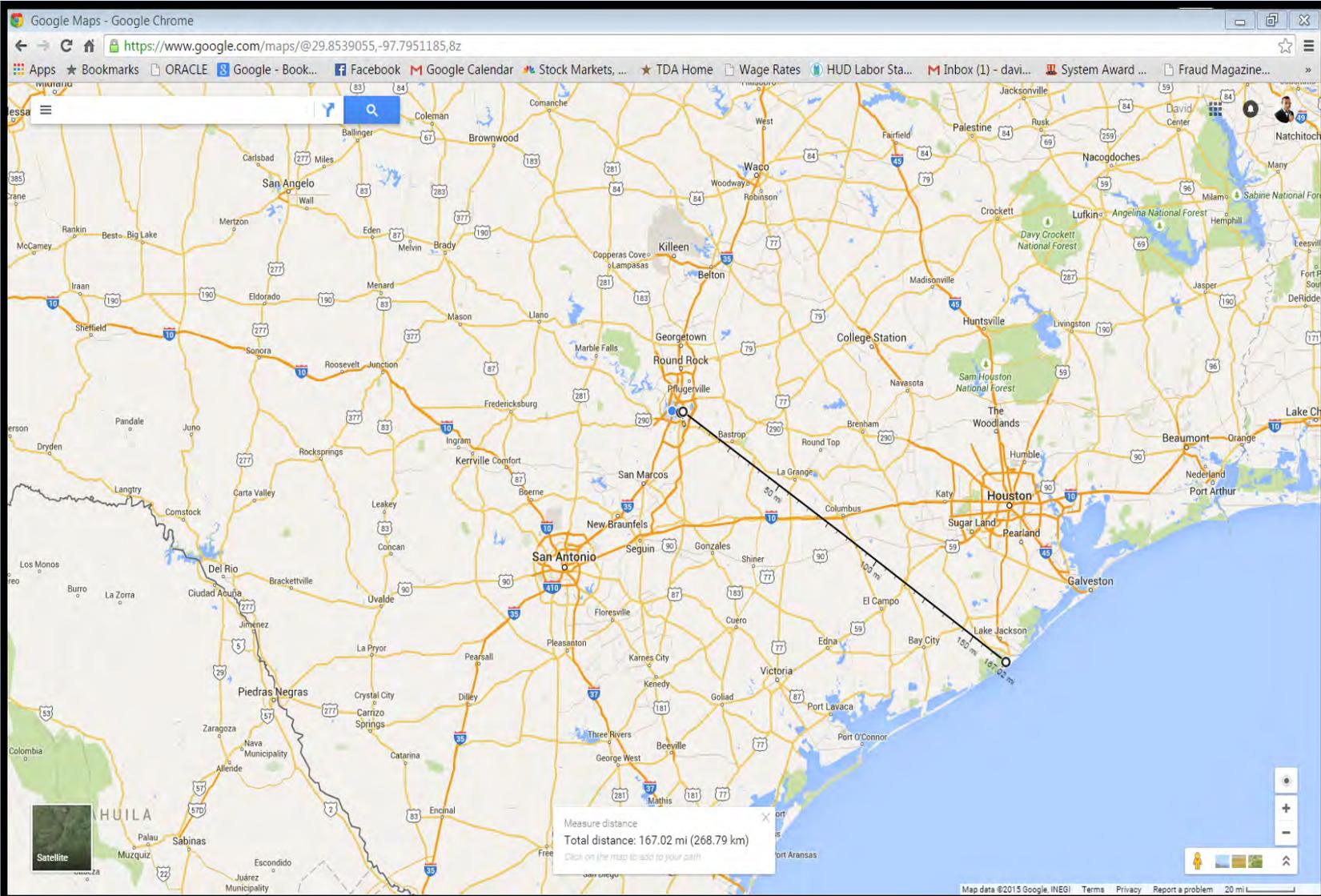


# Site Contamination: NEPA Assist

Imagery Measure Draw Erase More Data

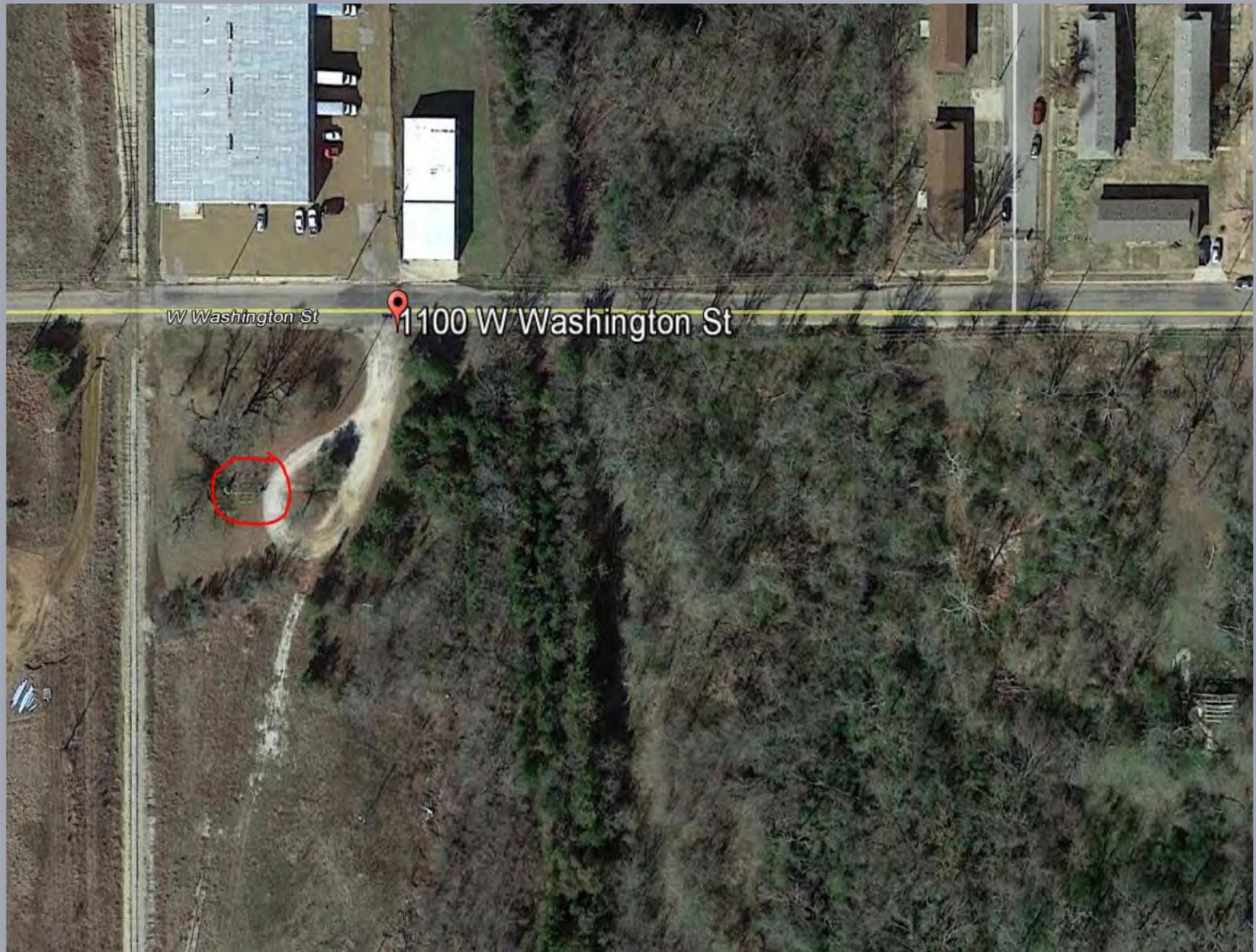


# Coastal Zone Management: Sample ERR Documentation





# Sample Support Docs



# Sample Support Docs



# Sample Support Docs

