

Office of Rural Affairs

TxCDBG Implementation Training Workshop 2015

PRESENTERS:
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CREATED BY PAM WOZNIAK



TxCDBG Organization

- **Assistant Commissioner – Dan Hunter**
- **Administrator – ORA Rick Rhodes**
- **State Director – Suzanne Barnard**
- **Assistant Director – Erica Garza**
- **Team Leads:**
 - ✘ **Program Monitor – Del Serna**
 - ✘ **Program Implementation – Trent Engledow**
 - ✘ **Contract Specialist – Melissa Gonzales**
- **Environmental Regulations – David Brown**
- **Implementation Specialist – Vada Dillawn**

Today's Presentation & Format

- Provides an overview of the updated 2015 *TxCDBG Project Implementation Manual*
- Highlights changes and/or areas of interest within the TxCDBG program.
- Presenters will provide an overview of selected chapters. There is an opportunity to ask questions. However, if the topic is running over allotted time we ask that you submit questions on the cards provided. Answers will be provided via e-mail. (Don't forget to include your e-mail address)
- Unless you request otherwise, we will send answers to all questions via a blanket e-mail to all in attendance.

Grant Administration Certification

- To administer a TxCDBG contract, the administrator (city/county staff or contracted) MUST attend and retain the completion certificate from one of the TDA sponsored workshops, annually.
- An administrative consulting firm need NOT send its entire consulting staff to a workshop.
- A city or county choosing to self-administer must have at least one workshop attendee in its employ

Basics: Two Main Components

Federal (HUD)

- Entitlement Areas

State (TxCDBG)

- Cities less than 50,000
- Counties less than 200,000
- Nonentitlement

- Authorized under Title I of the Housing and Community Development Act of 1974, as amended.
- The U.S. Department of Housing and Urban Development (HUD) is the administering agency for the CDBG Program.

National Program Objectives

Grant Recipients undertaking public facilities activities must document how they have met the CDBG NPO specified in their application. The NPO is not met until funds have been expended and documentation has been completed.

Every grant or loan must meet one of three "national objectives."

- 1) Principally benefit low and moderate income (LMI) persons.
- 2) Eliminate or prevent slums and blight.
- 3) Address imminent health and safety problems.

Conflict of Interest

Applies to the procurement of professional services, supplies, equipment, construction, acquisition, businesses, or other private entities.

- No person who has any CDBG function/responsibility, or who is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG activity

Note: Regulations apply during the person's tenure and for one year thereafter.

Conflict of Interest (Cont.)

Some determinations of conflicts of interest:

- A conflict of interest exists when the same individual or firm is hired to provide both administration and engineering services
- A conflict of interest exists when the same individual or firm has an interest in both a benefitting business identified in the contract Performance Statement and any consultant or construction contracts required to complete the project.
- HUD has further issued an opinion that a conflict of interest prohibited by Federal Regulation exists for a Council of Government (COG) which is providing administrative support to the regional review committee and is also an application preparer/administrator.

CHAPTER I

Administration & Reporting

Incurring Costs

Pre-agreement Costs

- ✓ Prior to the contract start date of the TxCDBG grant award
- ✓ Necessary, eligible, and meet national objective
- ✓ Allowable only to the extent that they would have been allowable if incurred after the contract start date
- ✓ **TDA's discretion**
- ✓ Must meet Environmental & Special Conditions Requirements

Contract Execution

Steps in getting Contract Executed

1. TDA will email the contract to Grant Recipient
2. Recipient Reviews, Signs, and Returns 1 signed contract to TDA for execution
3. TDA will send a copy of the fully executed contract to the Grant Recipient.

90 Day Rule

Within ninety (90) days after the contract award date:

- “Readiness to proceed” issues regarding the current award; and
- Outstanding issues on existing contracts regarding compliance with program requirements

Contract Execution – (Cont.)

In addition to the contractual obligations owed between the State and the Grant Recipient, the contract specifies the following as Exhibits:

- ✓ Exhibit A - the Performance Statement
- ✓ Exhibit B - the Budget
- ✓ Exhibit C – Project Implementation Schedule
- ✓ Exhibit D – Special Conditions

Establish a Local Administrative Structure

Administrative Activities Checklist - A102

ACTIVITY	Recipient	Consultant	Eng/Arch	Other
A. Initial Administrative Procedures				
Set up all files pertaining to TxCDBG contract activities.				
Solicit for professional services / administration services and maintain all necessary and relevant documentation.				
Prepare the professional services / administration services contracts for attorney review.				
Arrange and conduct the 4-Month Conference Call				
B. Environmental Review/Special Conditions Clearance Procedures				
Designate environmental review liaison and environmental certifying officer.				
Establish and maintain environmental review file.				
Prepare environmental assessment.				
Coordinate activities with federal or state agencies responsible for implementing applicable laws.				
Publish and disseminate public notice.				
Document consideration of any public comments.				
Issue environmental impact statement (if applicable).				
Request release of funds, send certification to TDA.				
Clear project of CDBG contract special conditions.				
C. Fair Housing/Equal Employment Opportunity				
Designate a Civil Rights Officer				
Implement and document current and required new activities to affirmatively further fair housing during the contract period.				

Local Management of TxCDBG Project

The local management of our projects is generally undertaken by 2 methods:

- Local governing body designates an existing agency or public employee as the project manager, or
- Local governing body contracts with a third party to manage the contract activities.

Note: TxCDBG recipients who obtain the services of an administrative consultant or a professional engineer have the final legal responsibility for the locally maintained grant files, the timely submission of reports, and compliance with program guidelines.

Administrative Thresholds

12-
Month
Rule

Release of Construction
Funds

12-
Month
Rule

Applicant Threshold

24-
Month
Rule

Applicant Threshold

12-Month & 24-Month Threshold Requirements

**Applicable
To:**

- Community Development
- Colonia Construction Fund
- Colonia Planning Fund
- Disaster Relief/Urgent Need Fund
- Texas STEP Fund
- Planning/Capacity Building Fund
- Community Enhancement Fund

**Not
Applicable
To:**

- Texas Capital Fund
- Colonia Self-Help Centers Fund
- Colonia Economically Distressed Areas Fund

Establish A Record Keeping System

- Grant files must be kept at city or county buildings where records are kept
- Records shall be retained for the greater of 3 years from closeout of the grant to the state

A103

FILING SYSTEM GUIDE

(NOTE: Grant files should be kept at city hall or county courthouse. List is not all inclusive.)

APPLICATION FILE

- Grant Recipient's Application
- Public Hearing Information
- Surveys and Tabulation/Other Beneficiary Data
- Responses to CDBG Requests for Additional Information

CONTRACT FILE

- TDA Contract Award Letter
- Executed Contract
- Amendment Requests/Resolution
- Executed Amendments
- Approved Performance Statement Modification Letters
- Approved Budget Modification Letters

FINANCIAL MANAGEMENT FILE

- Designated Depository/Authorized Signatory Form
- Audit Report demonstrating financial capacity
- Direct Deposit Authorization Form (if applicable)
- Copy of Transaction Register/Accounting Records for CDBG funds and Local Matching funds
- Documentation of Drawdown Transactions – Purchase Vouchers, Request Summaries, and all supporting documentation (i.e. invoices, personnel/equipment/material records, etc.).
- Source Documentation to support the receipt and disbursement of CDBG and local matching funds (i.e. cancelled checks, deposit slips, monthly bank statements, bank account reconciliation records, etc.).
- Register to document local commitment of funds
- Funding Awards other than TxCDBG

ENVIRONMENTAL REVIEW FILE

- Environmental Review Record/Assessment
- Public Notices/Publisher's Affidavit
- Coordination Letters to/from other Agencies
- Public Comments
- Request for Release of Funds/Certification Form
- TDA's Environmental Clearance Letter
- Documentation of Compliance with other applicable laws/authorities
- Flood Plain Maps/EO 11988 Compliance (if applicable)
- Texas Historical Commission Notification and Response Letters

PROCUREMENT OF PROFESSIONAL SERVICES / ADMINISTRATION SERVICES

- Rationale for the method of procurement
- Evidence of affirmative steps taken to assure participation by small/minority businesses
- Basis for the cost or price
- Requests for Proposal/Advertisements
- Requests for Proposal Package
- Written Selection Criteria
- Copies of all letters and advertisements requesting proposals/return receipts
- Proposals received
- Vendor approval through SAM
- Professional services / Administration Services contracts
- Minutes/Resolution awarding contracts

Quarterly Progress Reports

Quarter	Months Included	Due On
<ul style="list-style-type: none">• 1st• 2nd• 3rd• 4th	<ul style="list-style-type: none">• Jan - Mar• Apr – Jun• Jun – Sep• Oct - Dec	<ul style="list-style-type: none">• Apr 20• Jul 20• Oct 20• Jan 20

A TxCDBG contract will be considered “out of compliance” for late or incomplete Quarterly Progress Reports

Quarterly Progress Reports – (Cont.)

QUARTERLY PROGRESS REPORT - Form A104


 Grant Recipient Name: Contract Number: Region:

Quarter Reporting: Year:

Project Status

Project Status Code:

Other:

STEP Fund: Is this contract a STEP project? Yes No

Revised Schedule: Is the project meeting the original Schedule C milestones? Yes No

Milestones	Actual Date Completed	Exhibit C Date	Mo. Diff from Exhibit C
Contract Start Date:	<input type="text"/>	<input type="text"/>	<input type="text"/>
All Professional Services Contracts Awarded:	<input type="text"/>	<input type="text"/>	<input type="text"/>
4-month Conference Call:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Plans and Specs Completed/Approved by Locality:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Environmental Review Submitted:	<input type="text"/>	<input type="text"/>	<input type="text"/>
All pre-construction Special Conditions cleared:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Wage Rate 10-Day Confirmation:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction Contract Awarded:	<input type="text"/>	<input type="text"/>	<input type="text"/>
50% of TxCDBG funds obligated:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction 50% Complete:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction 75% Complete:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction 90% Complete:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Construction & Final Inspection Completed:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contract End Date:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Project Completion Report Submitted:	<input type="text"/>	<input type="text"/>	<input type="text"/>

Note: dates displayed in the Exhibit C Date column are estimated based on the Contract Start Date entered. If these dates differ from the actual contract documents, the executed contract will contain the required date.

Notes / Comments on Current Status:

Check this box to request technical assistance or a conference call to further explain the progress of the project.

Project Schedule Status

This project is on schedule (within three months) based on the Original Exhibit C Implementation Schedule
 This project is on schedule (within three months) based on a TxCDBG approved Revised Implementation Schedule
 This project is 3 months or more behind schedule.

This project is "On Schedule". Thank you for achieving milestones according to your contract's Project Implementation Schedule, Exhibit C. No local signature is required to complete this report.

Grant Recipient Name: Contract No: Qtr: Year:

Part II - Projects "Behind Schedule"

Complete the following questions:

Project Delays: Select reasons (if any) the project has been delayed this quarter and explain below

Date Anticipated to be Resolved	Add Reason
<input type="text"/>	<input type="text"/>

Explanation:

List other specific obstacles preventing this project from meeting the milestone target dates:

List specific actions needed to complete the project within the contract period or revised Implementation Schedule (approved by TDA):

Provide estimated date (or month) that all construction under this contract will be complete:

Check this box to request technical assistance or a conference call to further explain the progress of the project.

Signature of Chief Local Elected Official:

TxCDBG approval for proposed Revised Implementation Schedule:

Contracts Behind Schedule

Contracts that report on any Quarterly Report that the project is **more than three months behind** schedule must:

- Complete **Part II** of Quarterly Report;
- Submit, with the Quarterly Report, a **revised timeline** for completion;
- At the discretion of parties to the TxCDBG grant conduct a **conference call**.
- **Approval will be given by the TDA contract specialist on the quarterly report sent back to Grant Recipient.**

Contracts Behind Schedule – (Cont.)

Contracts that, at the time of the Quarterly Report, are **more than 3 months behind the revised schedule** approved by TDRA must:

- Submit a **narrative Plan of Action**
- Submit a **revised timeline** for completion.
 - Both the **Plan of Action** and **revised timeline** must each be signed by all members of the Project Team;
- At TDA's discretion schedule an **on-site technical assistance**;
- Conduct **monthly conference calls** to discuss the project milestones.

4-Month Conference Call

“Project Team”: include the chief local elected official (or authorized representative), project administrator, and project engineer and if procured, Administrative and engineering consultants

4-Month/Award Conference Call

1. May occur at Award Conference if all are appointed
2. Review TxCDBG contract Performance Statement (Exhibit A), Budget (Exhibit B), Project Implementation Schedule (Exhibit C) milestone dates; and Special Conditions (Exhibit D)
3. Review 12 Month Rule requirements
4. Identify the need for Acquisition of Real Property and review URA requirements (The **Uniform Relocation Assistance and Real Property Acquisition Policies Act** of 1970 (**Uniform Act**); and
5. Identify and report potential project issues or delays.

CHAPTER 2

Financial Management

Financial Management – 2 CFR 200

- 2 CFR 200 promulgated by the Office of Management & Budget
- Replaces and consolidates eight OMB Circulars
- HUD amended parts 84 and 85 by taking out all of the substantive parts and putting them into 2 CFR 200
 - 24 CFR parts 84 & 85 are still effective for all federal awards made on or before December 26, 2014
 - TDA has adopted the majority of 2 CFR 200
 - Effective date – October 1, 2015

Financial Management: Financial Capacity

- Establish internal controls/Maintain files
 - Separation of duties
 - 2 Signatures on Checks
- Recommend Separate, No Interest Bearing Account
- Annual Audit Requirements vs. Single Audit

Financial Management: Application

- Organizational-Wide Financial Audit -
Cannot be a Partial audit
- Applications with Financial audits with
adverse opinions will be highly scrutinized;
Applications that have Financial audits with
disclaimer opinions will not be accepted

Financial Management: Signatories & Direct Deposit

- Authorized Signatories Designation Form A202:
 - Designate 2 responsible persons to sign contracts, requests for payments, etc.
 - Authorize designations through Resolution passed by City Council/County Commissioners
- Direct Deposit (highly recommended):
 - Complete the Direct Deposit Authorization Form 74-176
<http://www.window.state.tx.us/directdep/>

Financial Management: Release of Funds

Submit within 12 Months:

- Group A Documents:
 - Basic Start-up & Federal Requirement Designate Documentation
- Group B Documents:
 - Construction Documentation

For Final Construction Funding, Submit:

- Group C Documents:
 - Closeout Documentation

Financial Management

Threshold	Budget Available
General Administration Budget Line Item	
Acceptance of all Group A Documents	0 to 50%*
Acceptance of all Group A and Group B Documents	51 to 90%
Issuance of Administratively Complete letter by TDA	91 to 100%
Engineering Budget Line Items (multiple line items may be considered cumulatively to determine thresholds)	
Acceptance of all Group A Documents	0 to 50%
Acceptance of all Group A and Group B Documents	51 to 90%
Acceptance of all related Certificate(s) of Construction Completion	91 to 100%
Construction Budget Line Items	
Acceptance of all Group A and Group B Documents	0 to 95%
Acceptance of all Group A, Group B, and Group C Documents	96% to 100%

*Previously 35%

Financial Management: Drawdown

- Drawdown at least once every 9 months
- For each budget line item
- Minimum Drawdown \$2.5K or greater
- Exceptions:
 - Exceeds 25% of budgeted line item and Grant Recipient only requesting for that line item
 - Final Retainage of construction contract
 - Ok'd by TDA
 - Final drawdown of one or more line items

Financial Management: Denial of Payment

Reasons for Delay / Denial of Payment:

- Insufficient Backup
- Grant Recipient out of compliance
- Ineligible expenses
- For Projects Involving First-Time Water or Sewer Services Beneficiaries, re-survey prior to Bidding Construction

Unusual or Special Costs, seek written TDA's approval

Financial Management: Retainage

- 5% retainage from all Construction Contracts until the following:
- COCC (Certificate of Construction) Form A710 received and approved
- Final Wage Compliance Report – Form A709 received and approved
- All programmatic requirements, claims, and disputes have been met

Financial Management

Accounting Adjustments

- Drawing Funds from Incorrect Budget Line Item
 - If discover that there is an error, contact TDA contract specialist
 - Unusual and Should Not Occur Frequently

Financial Management: Matching Funds

- TxCDBG projects require Matching Funds
 - Matching funds should be for eligible project related costs
- Match can consist of the following examples:
 - Cash (\$);
 - Waived Fees (require TDA approval); and/or
 - Donated property
 - Exclusions: easements, rights- of -way, existing locations for the same infrastructure
- Subject to TxCDBG Program Requirements
 - Some exceptions:
 - Construction Contract funded with non-CDBG \$
 - May be exempted from Davis Bacon
 - Private funds used for Econ. Development

Financial Management: Reducing Match Commitment

- Ratio of Local Funds to TxCDBG Funds
Must be expended
- If Project Costs are Less (Deobligated),
Grant and Matching Funding
Proportionally Reduced
- Use Match Calculator on TDA's Website

Financial Management: Match Funding from Other Sources

- Grant Recipients must provide:
 - Amount of Funds Received;
 - Scope of Project Funded by Other Sources;
and
 - Completion of that project.
- If funding source known after submission of application, notify TDA with funding award letter

What's New!

- Adoption of several sections of 2 CFR 200; replaces 8 OMB Circulars
- Increases Threshold for Distribution of Admin Funds from 35% to 50% after Group A
- Deletes the requirement that construction contracts in excess of \$400,000 enter any retainage in excess of five percent into an interest bearing account
- Revises Donated Property for Match (ex: Easements)
- Eliminates Form A205 – If additional funding is obtained, grant recipient must notify TDA of award along with documentation

CHAPTER 3

Environmental

The Region VI Guidebook

Please use this to include the Worksheets in the guidebook. There is helpful information and even information that may help you eliminate unnecessary work.

For example: **Central Data File – for source documentation**

- A central data file is useful for managing statutory and environmental issues that are common to many projects and programs. Source documentation is the documentation and reference material that supports determinations made for the statutory authorities (§58.5) and other requirements (§58.6).
- Locating source documentation in a central file allows the responsible entity to:
 - Collect in one place material that is common to a wide-range of activities or recurs among more than one activity; and,
 - Easily update information on an annual, periodic or as-needed basis.

Overview

- As of the new Implementation Manual and with changes as directed by HUD.
- Process of reviewing a project and its potential on the Human Environment (i.e. everything)
- CDBG projects are required to undergo an environmental review (ER)
- Analysis includes:
 - ✓ How the project affects the environment
 - ✓ How the environment can affect the project, site and end users
- ER must be performed before funds are obligated
- Documentation of the ER must be maintained in the environmental review record (ERR) at the Locality
- **ERR must be available for public review**

Timing of the Review

Environmental Review **must** be performed before committing or spending funds on any HUD funded activity to include:

- Acquisition
- Rehabilitation
- Construction
- Contracting or committing to any of these actions
- TDA uses the date of the resolution as the earliest date it is known that HUD funds will be used.

24CFR58.30(b): The environmental review process should begin as soon as a recipient determines the projected use of HUD assistance.

Environmental Review - 9 Step Process

- Step 1 – Project Description
- Step 2 – Determine Level of Review
- Step 3 – Complete Checklists and **worksheets**
- Step 4 - Publish Notice of Intent to Request Release of Funds, and FONSI if applicable (Local Comment period)
- Step 5 – Prepare RROF and Certifications
- Step 6 – Submit Clearance to TDA
- Step 7 – State Objection Period (15 days)
- Step 8 – State’s Post-Release Review
- Step 9 – Re-Evaluation of the Environmental Determination

Project Description

Project Description must:

- Be complete and clear
- Capture maximum possible scope
- Provide location specific information
- Geographical boundaries
- Existing conditions of the site
- What will be on site when project is completed
- How project will be accomplished
- The Environmental Project Description will be more detailed than the Performance Statement.

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.)

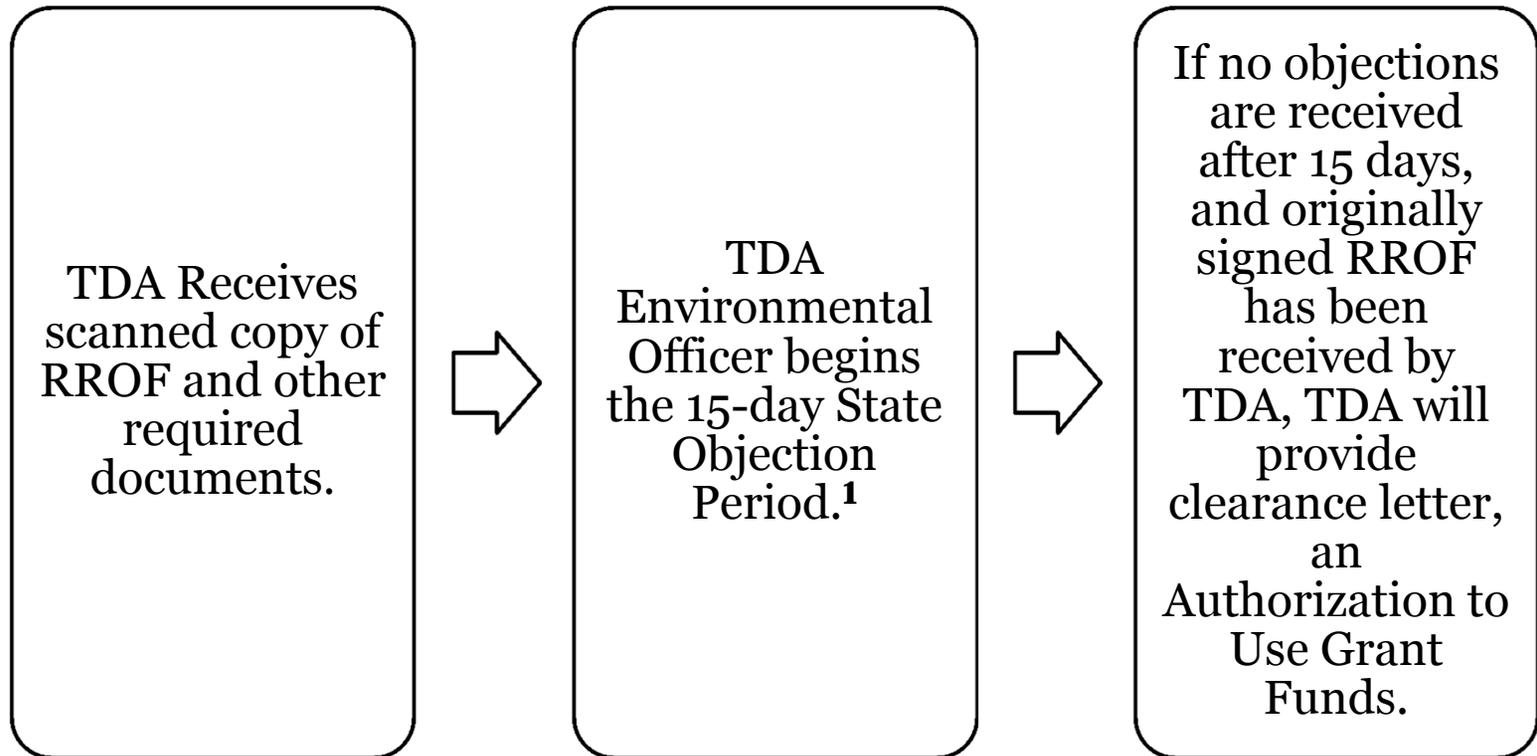
FULL ENVIRONMENTAL ASSESSMENT (EA)

- 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



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

- 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

Common Problems Assessment CL

- No support documentation (required)
- Incomplete packet (All pages)
- FONSI
- This is what makes an EA an EA and not a CE
- Canned phrases
- Use of Current Support Docs.
- Signed by Chief Elected Official

Common Problems Floodplain

- Not doing the 8 step process
- Not doing anything
- Outdated maps
- No maps
- Wrong locations
- Not looking after amendment
- Publishing notices at the same time
- 2nd Notice can be published at the same time as NOI/RROF/Combined Notice

What' New!

- Floodplain vs. Floodway
- Capital Fund Projects
- Exempt and 58.34(a)(10)
- Project Descriptions
- Geographically Related
- Tiering a project

FLOODPLAIN VS. FLOODWAY

- TDA cannot pay for anything that is located above, below or in the floodway, REGARDLESS OF ELEVATION.
- What is the difference between a Floodway and a Floodplain on a map?
- Following are three examples: