

Manatee County, Florida

Environmental Review Policy

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Change Log

Version	Date	Description
1	3/16/2026	Environmental Review Policy

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Overview

The United States (U.S.) Department of Housing and Urban Development (HUD) requires an environmental review pursuant to 24 Code of Federal Regulations (CFR) Part 58 and an approved Request for Release of Funds (RROF), outlined in 24 CFR 58.18, to draw down Community Development Block Grant Disaster Recovery (CDBG-DR) funds for a specific activity. This Policy describes the environmental review process for all activities funded under the County of Manatee's ("County") CDBG-DR programs. As the Responsible Entity, the County assumes compliance with the National Environmental Policy Act (NEPA) and all related authorities under 24 CFR Part 58.

Reader's Note – The Trump Administration is engaged in an expansive review of long-standing interpretations of Federal environmental statutes and regulations including the National Environmental Policy Act (NEPA) and HUD's NEPA implementing regulations such as 24 CFR Parts 50, 55, and 58. This review is, in part, predicated on President Trump's revocation of previously existing Executive Orders which directed Federal agencies to take certain actions within the scope of NEPA and other environmental statutes.

While HUD and other agencies are working to formalize the Administration's proposed changes through appropriate regulatory processes, grantees should take care to comply with codified regulations until such time as revised regulations are issued to avoid adverse outcomes for having failed to comply with regulations in effect at the time a project or activity is undertaken. This policy and procedure document is predicated upon the statutory and regulatory provisions as they exist as of September 25, 2025, but will be revised and updated by the County as HUD and other agencies issue appropriate regulations to effectuate the proposed changes.

Roles and Responsibilities

- **Responsible Entity (RE):** As the Grantee of CDBG-DR funds, the County is the RE for ensuring compliance with HUD environmental review requirements.
- **Certifying Officer (CO):** The County Administrator is the Certifying Officer.
- **Environmental Review Staff:** The County Grants Administration Division and contractor staff are responsible for supporting the County in meeting requirements of 24 CFR 58, as described in these procedures.
- **Municipal Partners and Subrecipients:** Municipal Partners and Subrecipients are responsible for providing information, data, and site access to the RE and its environmental review staff to meet the requirements of 24 CFR 58.

Applicability

Not every project is subject to a full environmental review (e.g., every project's environmental impact must be examined, but the extent of this examination varies by action), but every project must be in compliance with 24 CFR Part 58, NEPA, and other related federal and State of Florida ("State") environmental laws.

Choice-Limiting Actions

An environmental review must be performed before any funds, regardless of source, are committed to an activity or a project. Pursuant to 24 CFR 58.22(a), no activity or project may be undertaken if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

Choice-limiting actions include physical activity, such as acquisition, rehabilitation, and construction, as well as contracting or committing to any of those activities prior to completion of the environmental review.

Option Contracts for Purchase of Property

A contract to purchase property for a CDBG-DR project before the environmental review is completed is considered a "choice-limiting action" and must be avoided until after the environmental review process is completed. However, an option contract is one action that can be taken beforehand that might conclude in acquisition once the environmental review process is complete. An option contract is a useful tool for the County to obtain site control while allowing time to complete the environmental review.

Option contracts may be used to gain site control of any type of property, including commercial, industrial, or residential for any proposed activity or reuse, including demolition, new construction, and conversion of use, as long as it is specifically contingent on environmental clearance.

A real estate option contract or agreement is a legal agreement between the potential buyer of real property and the owner of that property. The real estate option agreement gives the potential buyer the exclusive right to buy the property at a specific price within a specific time period. The option agreement does not impose any obligation upon the potential buyer to purchase the property. The option agreement does obligate the seller to sell at the specified price if the potential buyer exercises the option to buy in the manner described in the contract.

24 CFR 58.22(d) allows for an option agreement for any project prior to the completion of the environmental review when the following requirements are met:

- The option agreement is subject to a determination by the County on the desirability of the property for the project as a result of the completion of the environmental review in accordance with 24 CFR 58; and
- The cost of the option is a nominal portion of the purchase price.

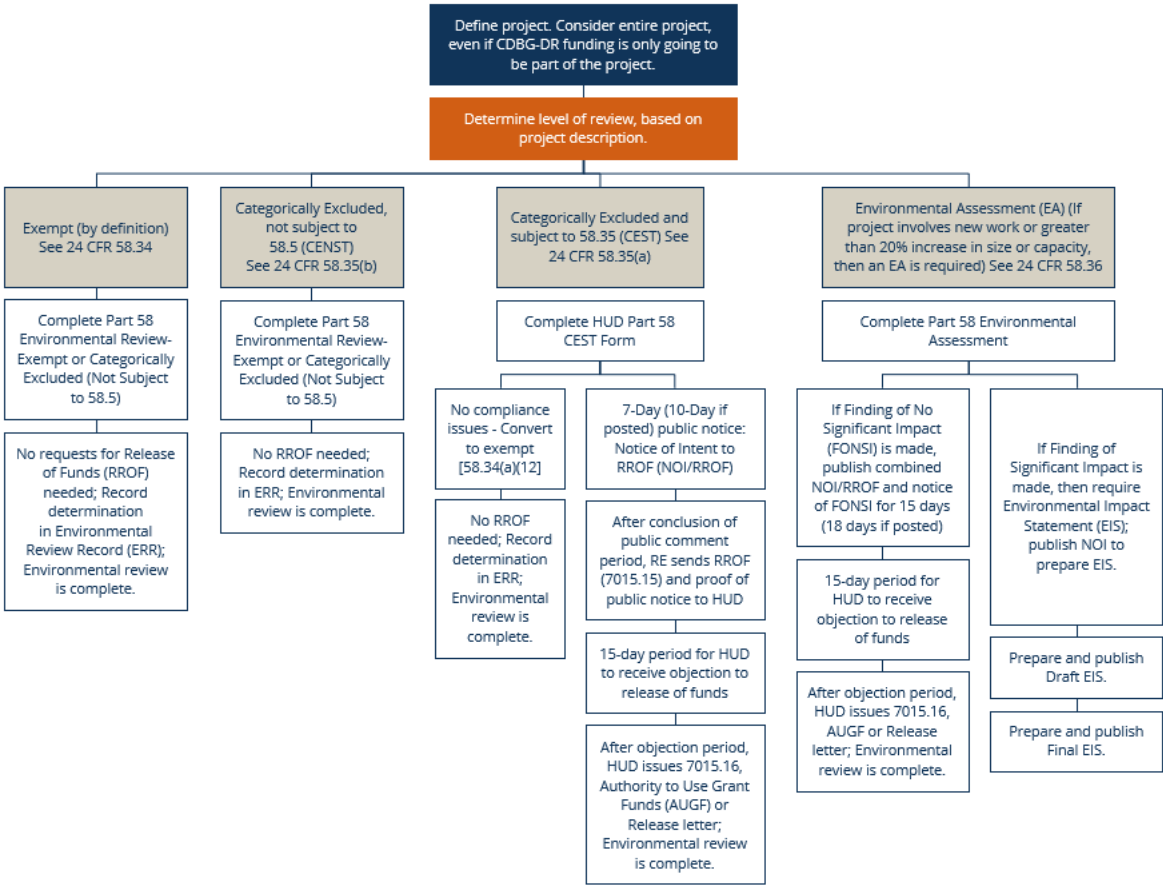
The provision allows flexibility regarding the term “nominal,” and any reasonable interpretation is acceptable. For instance, it is reasonable to conclude that the nominal amount for option contracts will vary depending upon the local real estate market and the purchase price.¹

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¹ Source: [Guidance on Options and Conditional Contracts for Purchase of Real Property for Environmental Reviews Conducted by a Responsible Entity under 24 CFR 58](#). HUD. 2011.

Environmental Review Process

Figure 1 - Environmental Review Process

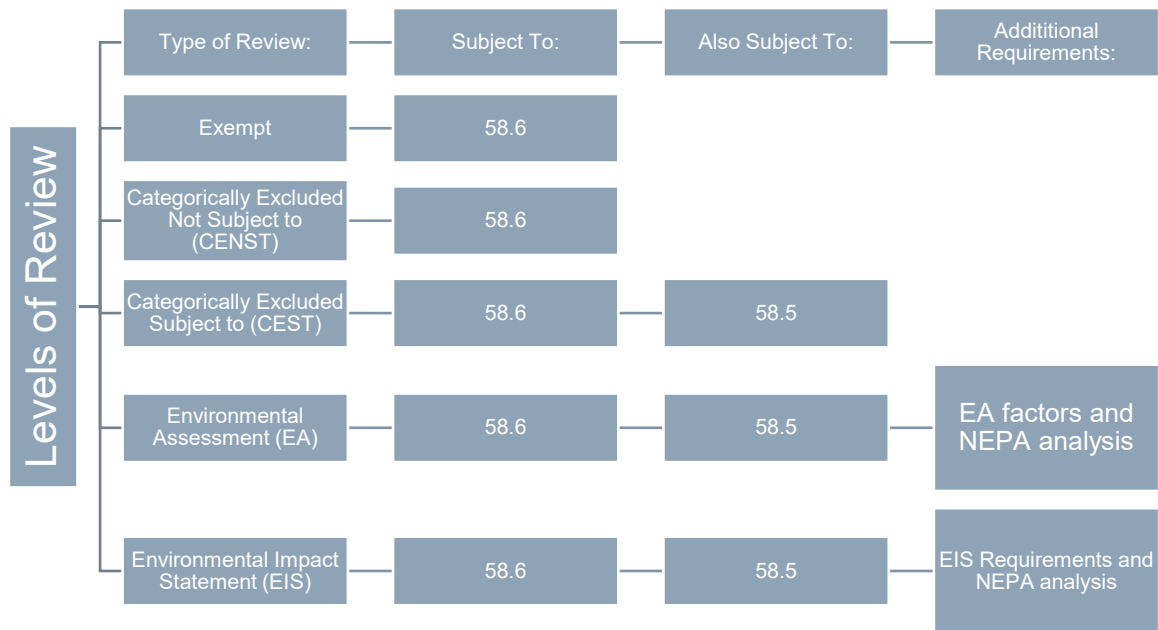


Note: 24 CFR 58.6 – Flood Insurance, Coastal Barrier Resources Act, and Runway Clear Zone Requirement – applies to all projects whether Exempt, Categorically Excluded, or requiring the Environmental Assessment (EA) or Environmental Impact Statement (EIS) level of review.

Levels of Review

Once the scope of the project is known, the County will determine the appropriate level of environmental review. There are five levels of environmental review as depicted in *Figure 2* and discussed within subsequent sections of this Policy.

Figure 2 – Levels of Environmental Review Process



24 CFR 58.34 Exempt Activities

Certain activities are, by their nature, highly unlikely to have any direct impact on the environment. Accordingly, these activities are not subject to most of the procedural requirements of environmental review. 24 CFR 58.34 identifies the following activities as exempt from environmental review:

- Environmental and other studies, resource identification, and the development of plans and strategies;
- Information and financial services;
- Administrative and management activities;
- Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with housing, employment, and education;
- Inspections and testing of properties for hazards or defects;
- Purchase of insurance;
- Purchase of tools;
- Engineering or design costs;
- Technical assistance (TA) and training;
- 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 disasters or imminent threats to public safety including those resulting from physical deterioration;

- Payment of principal and interest on loans made or obligations guaranteed by HUD;
- Any of the categorical exclusions listed in 24 CFR 58.35(a) provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 24 CFR 58.5.

24 CFR 58.35(a) Categorically Excluded, Subject to 58.5 (CEST)

The list of categorically excluded activities is found at 24 CFR 58.35. While the activities listed in 58.35(a) are categorically excluded from NEPA requirements, the County will demonstrate compliance with the laws, authorities, and Executive Orders (EOs) listed in 24 CFR 58.5.

The following are categorically excluded activities subject to 58.5:

- Acquisition, repair, improvement, reconstruction, or rehabilitation 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 (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets, etc.);
- Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
- Rehabilitation of buildings and improvements when the following conditions are met:
 - In the case of a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;
 - In the case of multifamily residential buildings:
 - Unit density is not changed more than 20 percent;
 - The project does not involve changes in land use from residential to non-residential; and
 - The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - In the case of non-residential structures, including commercial, industrial, and public buildings:
 - The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another;

- The following, which do not apply to rehabilitation of a building for residential use (with one to four units):
 - An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or
 - An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site;
- Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use; and
- Combinations of the above activities.

24 CFR 58.35(b) Categorically Excluded, Not Subject to 58.5 (CENST)

The following activities, listed at 24 CFR 58.35(b), have been determined to be categorically excluded from NEPA requirements and are not subject to 24 CFR 58.5 compliance determinations:

- Tenant-based rental assistance;
- 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;
- Operating costs, including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment, and other incidental costs;
- Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs not associated with construction or expansion of existing operations;
- Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title;
- Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact;

- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same RE that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under 58.47; and

Environmental Assessment

Activities which are neither exempt nor categorically excluded (under each category) will require an environmental assessment (EA) documenting compliance with NEPA, HUD, and with the environmental requirements of other applicable federal laws. This also applies when extraordinary circumstances exist that elevate the level of review.

EAs are conducted to determine whether a project requires an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). Another component of the EA is an analysis of the project's impacts on land development, socioeconomic factors, community facilities and services, natural features, and climate and energy, all of which referred to as "EA Factors." The County will ensure that reliable documentation sources are cited for every item on the EA form. Once the EA has been completed, including consultation with applicable agencies and persons, and any comments have been addressed, the County will determine whether the project will have a significant impact on the environment. The County will select one of the following two findings/determinations:

- The project is not an action that significantly affects the quality of the human environment and, therefore, does not require the preparation of an EIS; or
- The project is an action that significantly affects the quality of the human environment and, therefore, requires the preparation of an EIS. Both the finding and the EA must be signed by the CO and included in the Environmental Review Record (ERR).

Comprehensive guidance for completing this level of review can be found on the [HUD EA website](#), along with other resources, such as the [Environment Assessment Factors and Categories eGuide](#).

Environmental Impact Statement

- An EIS, required for compliance with NEPA and 24 CFR 58, is applicable in accordance with 24 CFR 58.37, and includes the following circumstances: An EA concludes a Finding of Significant Impact;
- The complexity of the project exceeds the scope of an EA;
- Extraordinary circumstances exist and elevate the review;

- Noise levels in what is considered the unacceptable noise zone; or
- Project includes 2,500 or more housing units or beds.

Other Types of Review and Reports

Categorical Exclusion Converted to Exempt 24 CFR 58.34(a)(12) & 58.35(a)

Under rare circumstances a Categorically Excluded project may fall under Exempt status per section 58.34(a)(12) with none of the statutory requirements under section 58.5 applying to the project. Using the Categorical Exclusion Subject to 24 CFR 58.5, the County will determine if the project it is preparing to undertake can be converted to Exempt under section 58.34(a)(12).

Project Re-Evaluations (24 CFR 58.47)

Re-evaluation of a project is necessary under the following circumstances:

- The award recipient proposes substantial changes in the nature, magnitude, or extent of the project, including adding new activities not anticipated in the original scope of the project;
- There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued; or
- The award recipient proposes the selection of an alternative not in the original finding.
- The ERR will be updated, and the County will confirm whether the original findings are still valid. If the original findings are no longer valid, a new EA must be prepared.

A re-evaluation is required when the project footprint or area of potential effect (APE) changes regardless of the amount of linear feet/area, whether project activities are added/removed, unexpected conditions arise, or changes are made to the nature, magnitude, or extent of the project. If the original finding is assessed as still valid, the ERR would be updated with a memo to the file, which is commonly referred to as a Letter of Re-Evaluation (LRE). If the original finding is assessed as no longer valid, the County may have to prepare a new ERR and proceed with the approval process, which includes but is not limited to a new ERR, public notices, public comment and objection periods, and a RROF and Authority to Use Grant Funds (AUGF).

Tiered Reviews

For projects with multiple, non-contiguous locations, such as a housing rehabilitation project with work sites that are scattered throughout the County, a tiered environmental review may be appropriate. Tiering is not appropriate for projects where specific locations have been identified, and for which the development of site-specific reviews is feasible.

Tiered reviews are broad-level, programmatic reviews intended to make the environmental review process more efficient by eliminating repetitive discussions of the same topics that are unlikely to have significant environmental impacts. A tiered review consists of two stages: a broad-level review (Tier 1) and subsequent site-specific reviews (Tier 2).

The broad-level review should identify and evaluate the issues that can be fully addressed and resolved, notwithstanding possible limited knowledge of the project. In addition, it must establish the standards, constraints, and processes to be followed in the site-specific reviews. As individual sites are selected for review, the site-specific reviews evaluate the remaining issues based on the policies established in the broad-level review. Together, the broad-level review and all site-specific reviews will collectively comprise a complete environmental review addressing all required elements. Funds cannot be spent or committed on a specific site or activity until both the broad-level review and the site-specific review have been completed for the site. Under Tier 1 (broad-level review), the County will follow the steps defined below. The County will ensure they are conducted when reviewing for compliance.

1. Create and file in the ERR written documentation of the determination to conduct a tiered review. The documentation should include:
 - a. A description of the activity/project.
 - b. A citation of the applicable subsection of 24 CFR 58.35(a).
 - c. Documentation of total estimated activity/project cost.
2. Complete NEPA Statutory Checklist (e.g., CEST or EA forms in the NEPA Statutory Checklist Form for Environmental Review for Activity/Project that is CEST Template and the EA for HUD-Funded Projects Template).
3. Determine and document in the ERR if there are any circumstances that require compliance with any other federal laws and authorities, as cited in 24 CFR 58.
4. Consult with the necessary regulatory agencies.
5. If it is determined that compliance with other environmental laws and regulations is necessary, then proceed with the following in advance of the Tier 2 site-specific review steps:
 - a. Create Notice of Intent to Request for Release of Funds (NOI/RROF).
 - b. Publish or post NOI/RROF for public review:

- i. Should be available for a minimum of seven days if published and 10 days if posted/mailed.
- ii. All comments based on the public notice must be considered and made a part of the ERR. If these comments require a revision to the RROF, then the activity/project must be re-evaluated accordingly.
- c. After conclusion of the public comment period and incorporation of comments, the RE sends the RROF and proof of public notice to HUD through the HUD Environmental Review Online System (HEROS). Subrecipients will submit RROFs to the County.
- d. A 15-day period commences for the County to receive objections to the release of funds.
- e. The County issues Authority to Use Grant Funds (AUGF), and the environmental review is complete.
- f. It may also be possible that a significant environmental impact is identified and additional steps for compliance with NEPA will be invoked.

Under Tier 2 (site-specific review), the County will conduct the steps defined below. The site-specific review must be completed prior to obligating funds for each site. The County will ensure the following has been conducted when reviewing for compliance:

1. Create and record in the ERR written documentation that the activity addresses the issues that were not resolved in the broad-level review. The documentation should include:
 - a. A description of the activity/project.
 - b. A citation of the applicable subsection of 24 CFR 58.35(a).
 - c. Documentation of total estimated activity/project cost.
2. Determine and document in the ERR environmental compliance measures for the NEPA categories that were not resolved in the Tier 1 review. This should include documentation of site-specific project review, including results of research and site inspections (with photographs).
3. No RROF is needed if it is determined that there are no extraordinary circumstances which would require completion of an EA or EIS, and that the project can remain CEST.

Environmental Review Procedures Summary

The County will conduct the steps defined below for projects that are neither exempt nor categorically excluded (under either category). The County will ensure they are conducted when reviewing for compliance.

- Complete NEPA Statutory Checklist (see NEPA Statutory Checklist Form for Environmental Review for Activity/Project That Is CEST Template).

- Complete NEPA EA Checklist form (see EA for HUD-Funded Projects Template).
- Complete a Determination of Significant Impact.
 - a. If a FONSI is made to a subrecipient:
 - i. Publish or post the NOI/RROF and notice of FONSI for public review (see Sample Notice of FONSI and NOI/RROF).²
 - ii. Must be available for a minimum of 15 days if published and 18 days if posted/mailed.
 - iii. All comments based on the public notice must be considered and made a part of the ERR. If these comments require a revision to the FONSI/RROF, then the activity/project must be re-evaluated accordingly.
 - iv. After conclusion of the public comment period and incorporation of comments, the subrecipient sends the RROF and proof of public notice to the County.
 - v. A 15-day period commences for the County to receive objections to the release of funds.
 - vi. The County issues AUGF, and the environmental review is complete.
 - b. If a FONSI is made by the County as the RE:
 - i. Must be available for a minimum of 15 days if published and 18 days if posted/mailed.
 - ii. All comments based on the public notice must be considered and made a part of the ERR. If these comments require a revision to the FONSI/RROF, then the activity/project must be re-evaluated accordingly.
 - iii. After the conclusion of the public comment period and incorporation of comments, the County sends the RROF and proof of public notice to HUD.
 - iv. A 15-day period commences for HUD to receive objections to the release of funds.
 - v. HUD issues AUGF, and the environmental review is complete.
- Finding of Significant Impact and EIS.
 - a. If a Finding of Significant Impact is made:
 - i. An EIS details the County's final analyses and conclusions, related to potential significant environmental impact of the project. The County will follow prescribed

² Source: [Sample Notice of FONSI and NOI/RROF](#).

steps in the course of preparing, filing, and reviewing an EIS (See 24 CFR 58 Subpart G and 40 CFR 1500 to 1508).

- ii. Prepare an EIS Notice of Preparation. EIS Notice Requirements for REs are provided on HUD's website.³
- iii. Prepare and publish the draft EIS.
- iv. Public comment period (minimum 45 days) on draft EIS and incorporation of comments into the final EIS.
- v. Prepare and publish the final EIS. Publication of the final EIS begins the minimum 30-day "wait period," in which agencies are generally required to wait 30 days before making a final decision on a proposed action.
- vi. Publish or post the NOI/RROF. The NOI/RROF should be available for a minimum of seven days if published and 10 days if posted/mailed.
- vii. All comments based on the public notice must be considered and made a part of the ERR. If these comments require a revision to the RROF, then the activity/project must be re-evaluated accordingly.
- viii. After conclusion of public comment period, and incorporation of comments, the County sends the RROF and proof of public notice to HUD.
- ix. A 15-day period commences for HUD to receive objections to the release of funds.
- x. HUD issues AUGF, and the environmental review is complete.

Documentation and Recordkeeping

The following sections provide guidance on documentation and recordkeeping for environmental reviews, including the use of the HUD Environmental Review Online System (HEROS).

Environmental Review Record

The County will prepare and maintain a written record of environmental review undertaken for each project to be assisted with CDBG-DR funds. The written record is referred to as the ERR. The environmental review process will begin once the activity for a project is determined

³ Source: [EIS Notice Requirements](#).

to be eligible and meet a National Objective pursuant to 24 CFR 570.201 and 24 CFR 570.208. The ERR will vary in length and content depending upon the level of review required for the categories of activities.

Project Description and Aggregation

The term “project” can be defined as an activity, or a group of integrally related activities, designed to accomplish, in whole or in part, a specific objective. The County will establish the scope of work (SOW) and project description prior to initiating the environmental review. Project Aggregation, as defined in 24 CFR 58.32, requires the County to group together, and evaluate as a single project, all individual activities which are related either on a geographical or functional basis or are logical parts of a composite of contemplated actions. The purpose of project aggregation is to adequately analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions.

Regardless of the number of activities associated with a project, a single environmental review is required. Project aggregation may require a tiered environmental review approach. Conditions under which project aggregation can occur include:

- Activities in a concentrated area;
- Activities within unspecified sites; or
- Multi-year activities.

The County may choose a few aggregation approaches:

- Functional aggregation when a specific type of activity (e.g., water improvements) is to take place in several separate locales or jurisdictions;
- Geographic aggregation when a mix of dissimilar but related activities is to be concentrated in a fairly specific project area (e.g., a combination of water, sewer, and street improvements and economic development activities); or
- A combination of aggregation approaches, which, for various project locations, considers the impacts arising from each functional activity and its interrelationship with other activities.

Table 1 - Environmental Review Aggregated Approach Options

Approach	Description	Example
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Location-Based	Geographically aggregated or aggregated based on a set of contemplated actions to evaluate a range of activities occurring at a single location.	<ul style="list-style-type: none"> • New construction of an affordable housing apartment complex. • Phased development of a regional sewer system.
Activity-Based	Functionally aggregated based on a discrete set of activities.	<ul style="list-style-type: none"> • Renter-occupied rehabilitation at scattered sites throughout the County. • Multi-year programmatic activities.

Elements of the ERR

The County will ensure that the ERR:

- Describes the project and each of the activities comprising the project, regardless of individual activity funding source;
- Evaluates the effects of the project or the activities on the human environment;
- Documents compliance with applicable statutes and authorities, in particular those cited in 24 CFR 58.5 and 58.6;
- Documents any site-specific reviews, as applicable for a Tiered Environmental Review; and
- Records the written determinations and other review findings required by 24 CFR 58.

The County will collect, package, and maintain the following documentation within the ERR, as illustrated in *Table 2*.

Table 2 – Environmental Review Documentation

Requirements	Details
Project Description	<p>The description of all activities that are part of the project. The project description includes:</p> <ul style="list-style-type: none"> • The County's Action (e.g., providing a grant, loan, etc.). • Amount of CDBG-DR funds. This can be the estimated or anticipated amount based on the application for funding. • Location-specific information and geographic boundaries. (e.g., street address or map coordinates). • Purpose and need for project (what is being done, and why it is necessary).

	<ul style="list-style-type: none"> • Project beneficiaries (i.e., affordable housing project, mixed-use housing project, etc.). • Activity description, including a delineation of all activities included in the scope of the project (provide complete details about project activities). • Type of project (e.g., new construction of multifamily housing). • Details of aggregation, if applicable. • Timeframe for implementation. • Size of the project (e.g., area coverage, disturbance footprint, number of units, population served, etc.). • Area setting, including character, features, resources, and, in the absence of the proposed project, trends likely. • All other funding sources, if any. • All development partners, if any. <p>Other considerations for writing a good project description:</p> <ul style="list-style-type: none"> • Provide the maximum anticipated scope of the proposal, not just a single activity that will be funded. It should include all contemplated actions that are part of the project. Activities should be aggregated according to the regulations at 24 CFR 58.32. • Description may not be identical to the description of the project and activities used by the funding program, as the project description in the environmental review may consider activities not financed by HUD. <p>If the project or environmental review contains information that can be considered sensitive, such as the location of a domestic violence shelter, sacred site, or endangered species habitat, that information will be omitted from the publicly reviewable ERR.</p>
<p>Determination of Level Review (DLR)</p>	<p>DLR or other form supplied by the County documents the level of review based on the HUD regulations found at 24 CFR 58. A copy of the DLR form is available on the County's website.</p>
<p>Evaluation</p>	<p>An evaluation of the effects of the project on the human environment and vice versa and record of written determinations and other review findings required by 24 CFR 58 as evidence of review, decision making, and actions pertaining to a particular project, this includes:</p> <ul style="list-style-type: none"> • Documentation of compliance with applicable statutes and authorities, including the applicable NEPA Statutory Checklist or other form(s) supplied by the County;

	<ul style="list-style-type: none"> All the applicable supplemental environmental review documents, this includes documentation of site reviews, letters to and from agencies, eight-step process, other supporting documentation, etc.; and Documentation of any mitigation actions, if required.
Documentation of Public Participation	Public comments, concerns, and appropriate resolution by the County. Public notices and proof of their publication, including documentation of the County's conformance with timing requirements of any published or posted public notices and associated comment period.
Certification of Continued Environmental Compliance	As applicable, a Certification of Continued Environmental Compliance, HUD Form 7015.15 (RROF/Certification), Finding of Exempt Activity, or other form(s) required by the County.

After publishing the public notice, the ERR will be made available for public review upon request during the public comment period established under the program and upon finalization. The County will start to establish the record as soon as the activity is approved by the County. Public comments, concerns, and appropriate resolution by the County are extremely important and must be fully documented in the ERR.

The County will conduct internal reviews of ERRs to determine compliance in accordance with [HUD's Community Planning and Development \(CPD\) Monitoring Handbook](#).

Recordkeeping Process

The County will provide citizens with reasonable access to records regarding the use of CDBG-DR funds, consistent with applicable State and local laws regarding privacy and confidentiality. The County will:

- Ensure the CO certifies all ERRs; and
- Submit the certified ERRs, including all accompanying forms and reports (e.g., public notices, EAs, EISs, NOI/RROFs) in HEROs.

Use of HEROS

The HUD HEROS is an online system where an RE can document and manage its environmental reviews. HEROS is available to REs, grantees, applicants, consultants, or users working with state-administered, Native American, or Public Housing entities on a programmatic basis. HEROs can be accessed by REs, HUD Users, and Partner Users. The County and its environmental consultant will utilize HEROS for its projects under this disaster recovery program.

HEROS accepts all levels of 24 Part 58 environmental review, Exempt through Environmental Impact Statements, and it assists the user with determining compliance with the various environmental laws and authorities for each level of review. HEROS also assists with ensuring the RE provides all required back-up documentation (including technical reports). Once an environmental review has been drafted, it will be entered into HEROS by the County's environmental team and/or consultant. Any project-specific environmental mitigation measures are also entered through HEROS.

Adopting Previous Environmental Reviews

The procedures for adopting previous environmental review documents are applicable for projects in any of the Action Plan programs for which a previously performed environmental review of the project occurred, or for which a current ongoing environmental review of the project is being conducted. These procedures are most likely to be used on projects under the County's Infrastructure Recovery and Resiliency Program (IRRP) or Infrastructure Match Program, where environmental reviews may be completed for complex projects with multiple federal funding sources.

In accordance with 24 CFR 58.14, a single EIS or EA may be prepared and adopted by multiple users to the extent that the review addresses the relevant environmental issues and there is a written agreement between the cooperating agencies which sets forth the coordinated and overall responsibilities. The procedures described here are intended to standardize the steps for the County's review and approval of these existing environmental documents.

Procedures Common to All Previous Environmental Review Documents

24 CFR 58.47 covers re-evaluation of EAs and other environmental findings. The County will re-evaluate its environmental findings to determine if the original findings are still valid. The County is responsible for ensuring that a sufficient level of environmental review has been completed. The County will perform a high-level review of all previous environmental documents submitted. The County will first confirm whether the project actions covered by the original environmental review document and the proposed actions in the CDBG-DR-funded project are the same. If they differ, the new document will be updated by the County to include all the current proposed actions and any changes to analyze the potential

environmental impacts. The County will subsequently check the date when the environmental review document was prepared. If the document is more than one year old, it should be updated to ensure site and surrounding conditions have not changed. As examples, conditions related to biological resources and hazardous materials (HazMat) are prone to changes. A Phase 1 Environmental Site Assessment (ESA) has a legal “expiration date” of six months after completion. The level of effort for an update may be a letter certifying the results are still valid or a new report updating multiple technical areas, contingent on the changes that have occurred. The previous environmental review document shall also be reviewed for technical adequacy by qualified County personnel or contractors. The focus of that review is to determine sufficiency for NEPA compliance and to make a recommendation for any additional work based on that sufficiency determination.

Adoption Procedures for Specific Situations

NEPA Document Prepared Under HUD Guidelines for Same Responsible Entity

If the original environmental review document is adequate, per the procedures described above, the County will complete the Finding of [CENST Activity Form](#) to incorporate the new funding. The CENST process formalizes the review and use of the previous document. The County’s ERR should include the previously prepared environmental documents, NOI/RROF, FONSI, if appropriate, and AUGF from the original issuer, in addition to the Finding of CENST Activity Form.

NEPA Document Prepared Under HUD Guidelines for a Different Responsible Entity

If the original environmental review document is adequate, per the procedures described under *Section 1.6.1 Procedures Common to All Previous Environmental Review Documents*, it can be adopted by the County via an adoption memo. The original RE must be notified that their environmental review is being adopted by sharing the adoption memo. The County’s ERR should include the previously prepared environmental documents, NOI/RROF, FONSI (if appropriate), and AUGF from the original issuer, plus the adoption memo. A new NOI/RROF must be prepared and put out for public notice by the County, followed by issuance of an AUGF.

NEPA Document Prepared Under Another Agency’s Guidelines

Pursuant to section III.B.10.c of the Revised Universal Notice, in cases where CDBG-DR funds are used to supplement other Federal assistance, the County may adopt, without review or

public comment, any environmental review, approval, or permit performed by another Federal agency (e.g., FEMA), so long as the actions proposed for the CDBG-DR funds are substantially the same. If the activity is modified so the Federal agency’s environmental review no longer covers the activity, the County will re-evaluate and supplement the Federal agency’s environmental review to comply with 24 CFR Part 58. If the existing review cannot be adopted, a new environmental review will be completed in accordance with HUD regulations in 24 CFR Part 58. To adopt an environmental review completed by another Federal agency, the County must:

- Obtain a completed electronic or paper copy of the Federal agency’s review and retain a copy of the full file in its environmental review record;
- Review the scope of work completed by the Federal agency’s review and verify that the scope of work is substantially the same with a memo to file in its environmental review record; and
- Notify HUD on the RROF that an environmental review completed by a Federal agency review is being used, and include the name of the other Federal agency, the name of the project, and the date of the project’s review as prepared by the Federal agency.

If the original environmental review is adequate per the procedures described under the *Procedures Common to All Previous Environmental Review Documents* section, the County can adopt the environmental document, via an adoption memo. The County should prepare an adoption memo and prepare the NOI/RROF, followed by issuance of an AUGF. *Table 3* summarizes adoption of previous environmental documentation for NEPA compliance.

Table 3 – NEPA Compliance ER Documentation

Type of Environmental Review Document to be Adopted	High-Level Technical Review	Documents Required	Authority to Use Grant Funds
HUD NEPA Document prepared by the County	<ul style="list-style-type: none"> • Obtain and review ERR. • Prepare environmental review memo. • Check project description match 	<ul style="list-style-type: none"> • Finding of CENST Activity Form. • Utilize same NOI/FONSI/RROF. • AUGF from previous funding source 	<p>No new AUGF required if previous environmental review determined to be current and adequate and funding program is the same.</p> <p>AUGF required for different HUD funding program.</p>

	and document age.		
HUD NEPA Document prepared by a different RE	<ul style="list-style-type: none"> Obtain and review ERR. Prepare environmental review memo. Check project description match and document age. 	<ul style="list-style-type: none"> NOI, RROF, FONSI (if appropriate) from original issuer. Adoption memo to previous RE, project file. New NOI /FONSI/RROF (public notice). AUGF from previous funding source. 	New AUGF from HUD required if from a different funding source.
NEPA Document prepared under different federal agency's guidelines	<ul style="list-style-type: none"> Obtain, review, and retain Federal agency's review in ERR . Check project description match and document age. Prepare environmental review memo. Confirm all HUD categories have been addressed. Notify HUD on RROF of ERR adoption. 	<ul style="list-style-type: none"> Previously prepared environmental documents. Adoption memo to file. 	AUGF from HUD required.

Request for Release of Funds

Following completion of a CEST level of environmental review, the County will publish a NOI/RROF. In most instances, an EA will result in a finding that the project is not an action that significantly affects the quality of the environment and, therefore, does not require an

EIS. If this is the case, as described in *Section 1.4.3 Environmental Review Procedures Summary*, the County will complete the following:

- Publish and distribute a public notice called a combined/concurrent notice of FONSI and NOI/RROF.
- The RROF and Environmental Certification (made on the same form) must be submitted to HUD no sooner than 16 days after publishing and 19 days after posting the combined/concurrent notice. The Certification must be signed by the CO of the jurisdiction.
- HUD must hold the Release of Funds for a 15-day period to allow for public comment. If no comments are received during this time, HUD sends back a signed AUGF and the project may proceed.

HUD established HEROS for RROF submissions. [Form 7015.15](#), the cover letter, the affidavit of publication, copy of the notice, and the copy of the distribution list are to be submitted via the HEROS online tool, which further provides guidance regarding the environmental review process.

Citizen Participation

The County will provide meaningful opportunities for public participation. For general guidance on the County's citizen participation, including information regarding notices of public hearings, methods of notice distribution, and public comment, refer to the County's CDBG-DR Citizen Participation Plan (CPP) available on the [County's CDBG-DR website](#). Key opportunities for citizens to get involved in the NEPA process include:

- When the subrecipient begins the NEPA analysis; and
- When a NEPA document is published for public review and comment.

The procedures outlined throughout this chapter determine the specific steps in the NEPA process where there are opportunities for public involvement.

- NEPA regulation requires that subrecipients conduct the steps defined below to ensure public participation. The County will review these elements to ensure compliance: Make diligent efforts to involve the public in preparing and implementing their NEPA procedures. Provide public notice of NEPA-related hearings, public meetings, and other opportunities for public involvement and the availability of environmental documents so as to inform those who may be interested or affected by their proposed actions. When selecting appropriate methods for providing public notice, agencies shall consider the ability of affected persons and agencies to access electronic media.

- a. In all cases, the County will notify those who have requested notice on an individual action.
- b. In the case of an action with effects of national concern, notice shall include publication in the Federal Register (FR). HUD and the County may notify organizations that have requested regular notice. In the event that HUD sends the notification, they will need to log into the system in order to do so.
- c. In the case of an action with effects primarily of local concern, the notice may include:
 - i. Notice to State, Tribal, and local governments and agencies that may be interested or affected by the proposed action.
 - ii. Publication in local newspapers (in papers of general circulation rather than legal papers). This may include publications in Spanish and other languages to accommodate limited English proficiency (LEP) persons.
 - iii. Notice through other local media.
 - iv. Notice to potentially interested community organizations, including small business associations.
 - v. Publication in newsletters that may be expected to reach potentially interested persons.
 - vi. Direct mailing to owners and occupants of nearby or affected property.
 - vii. Posting of notice on- and off-site in the area where the action is to be located.
 - viii. Notice through electronic media (e.g., the County CDBG-DR website, email, or social media).
- d. Hold or sponsor public hearings, public meetings, or other opportunities for public involvement whenever appropriate or in accordance with statutory requirements applicable to the agency.
- e. Solicit appropriate information from the public.
- f. Explain in its procedures where interested persons can get information or status reports on EISs and other elements of the NEPA process.
- g. Make EISs, comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (FOIA), as amended (5 USC 552).