



# 2023 NOFA: NEPA Webinar

Presented by:

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# National Environmental Policy Act (NEPA)

- Signed into law by President Richard Nixon on January 1, 1970
- Ensures that the environment is given consideration in planning and decision making
- Discloses environmental impacts and encourages informed decision making





# 2023 NOFA Requirements

- Demonstrate compliance with NEPA by submission of fully complete, current, and applicable documentation for the proposed activity at time of application (Section V.D.14 of the 2023 NOFA)
- If intending to use funds for GA, submission of GA NEPA documentation at time of application (Section V.D.15 of the 2023 NOFA)

**THRESHOLD ITEM:** Applications will be disqualified if complete NEPA documentation is not submitted



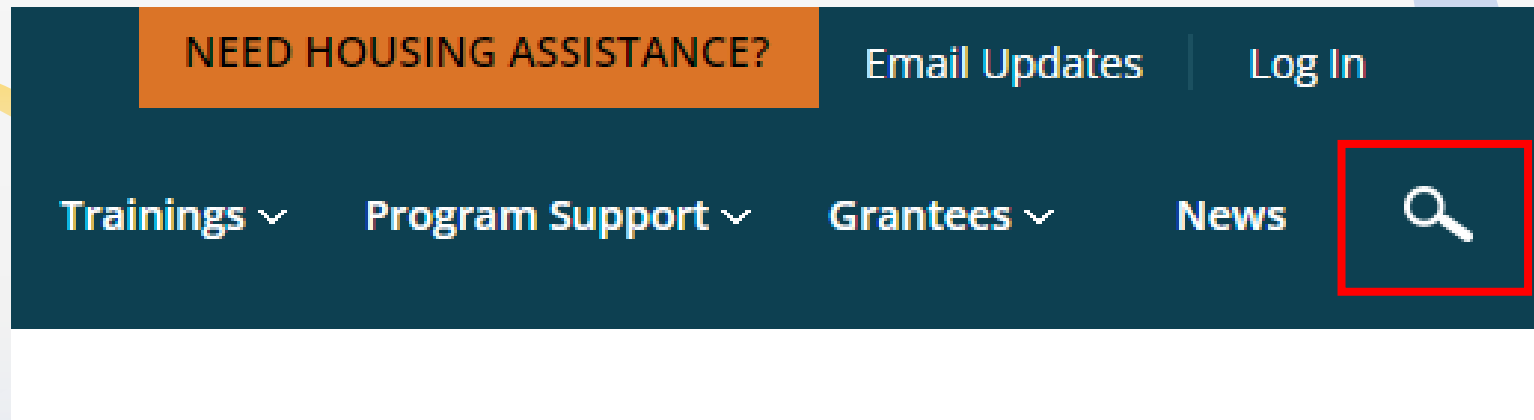
# WARNING!

- Making a **Choice-Limiting Action** related to your proposed activity prior to completing the NEPA review may deem your project ineligible for any federal funding
- A Choice-Limiting Action is any physical activity, including acquisition, rehabilitation, and construction, as well as contracting for, or committing to any of these actions, prior to completion of the NEPA review for the project; no matter if these actions are funded by federal, state, local, or private dollars
- A project may begin as a good-faith private project and then decide to apply for federal assistance (Speak with your CDBG Representative)



# HUD Exchange

- All documents mentioned can be found at the HUD exchange at <https://www.hudexchange.info/programs/environmental-review/>
- Recommend searching “Flood Insurance,” “Air Quality,” or another review topic for assistance





# NEPA Process

1. Define Project
2. Choose the correct form
3. Complete and sign the form and collect source documentation
4. Submit signed form and source documentation in application (additional requirements on slide 11)



# Defining the Project

- Complete and clear description of project, including geographic boundaries
- Captures the maximum scope of the project regardless of funding source
- Must include all contemplated related actions based on a geographical or functional basis (generally within 5 years)
- Activity and General Admin are separate activities



# Choosing the Correct Form

- **Categorically Excluded/Exempt Not Subject To (CENST)**
  - Activities described at 24 CFR 58.34(a)
  - Activities described at 24 CFR 58.35(b)
  - General Administration activities (24 CFR 58.34(a)(3))
- **Categorically Exempt Subject To (CEST)**
  - Activities described at 24 CFR 58.35(a)
- **Environmental Assessment (EA)**
  - Any activities not falling in the above referenced 24 CFR sections





# Environmental Review Forms

- CENST -  
<https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-Exempt-CENST.pdf>
- CEST -  
<https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-CEST-Format.pdf>
- EA -  
<https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-EA-Format.pdf>



# Source Documentation

- Documentation to backup the determinations made on the review form
  - Screenshots of websites
  - PDF printouts of websites
  - Published studies or plans
  - Studies performed for the activity itself
  - Other documentation which backs up the determination for the specific review topic
- NEPAAssist is a resource made available by the EPA to assist in making NEPA determinations
  - <https://www.epa.gov/nepa/nepassist>
- HUD has published worksheets for each review topic to assist in documentation
  - <https://www.hudexchange.info/resource/4707/environmental-review-record-related-federal-laws-and-authorities-worksheets/>



# Signatures

- Must be signed by the preparer of the form and the Certified Environmental Officer (the authorized signatory per the resolution)

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_  
\_\_\_\_\_

Responsible Entity Agency Official Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



# NEPA Process

- CENST

1. Complete and sign form
2. Collect source documentation
3. **Submit signed form and source documentation in application**

- CEST

- If converts to exempt - same process as CENST
- If cannot convert to exempt because compliance with federal laws is required - follow EA Process

- EA (assuming no significant environmental impacts)

1. Complete and sign form
2. Collect source documentation
3. **Submit signed form and source documentation in application**
4. HCD requests revisions (if applicable)
5. Responsible Entity publishes FONSI/NOIRROF
6. 15-day public comment period
7. Responsible Entity submits Request for Release of Funds (RROF)
8. 15-day objection period
9. If no objections - HCD provides Authority to Use Grant Funds



# 2023 Application

- General Threshold in Main Application for GA

## National Environmental Policy Act (NEPA)

For additional information and requirements regarding the NEPA, please refer to [Section V.D.14 and V.D.15 of the 2023 NOFA](#) as well as [Chapter 3 of the Grants Management Manual](#).

Are you claiming General Administration for this activity? \*

Yes

Upload General Administration NEPA Compliance \*

+ Select a file





# 2023 Application

- Activity Specific Threshold in Sub Application for CENSTs and CESTs

## National Environmental Policy Act (NEPA)

To determine the correct level of review, go to HUD's environmental review [overview page](#). Please make sure your Environmental Review is definitive in findings and that the project description matches the project description in this application. Environmental Reviews with qualified findings that do not adequately or correctly identify mitigations that did not complete required consultations, or that have other material deficiencies may result in disqualification.

Acceptable formats of these forms can be located at [HUD Exchange](#).

For additional information and requirements regarding the NEPA, please refer to [Section V.D.4, V.D.14, & V.D.15 of the 2023 NOFA](#) as well as [Chapter 3 of the Grants Management Manual](#).

**What type of NEPA is required for this application? \***

CENST or CEST

**Upload Activity NEPA Compliance \***

+ Select a file

Blank doc.pdf





# 2023 Application

- Activity Specific Threshold in Sub Application for EAs

**Upload the Environmental Review Record \***

**Upload Mitigation Measures, if available**

**Upload Exhibits, if available**

**Upload FONSI/RROF or NOI/RROF and Authorization to Use Funds (AUGF), if available**

**Upload other supporting documentation, as needed**



# Thank you!

- Review [Chapter 3 of the Grants Management Manual](#) for additional information
- NEPA Flowchart: [Part 58 Flowchart \(hudexchange.info\)](http://hudexchange.info)
- Find your CDBG Representative by navigating to <https://www.hcd.ca.gov/grants-and-funding/programs-active/community-development-block-grant>
- Then click here:

Home > Grants & Funding > Programs: Active > Community Development Block Grant Program (CDBG)

## Community Development Block Grant Program (CDBG)

CDBG partners with rural cities and counties to improve the lives of their low- and moderate-income residents through the creation and expansion of community and economic development opportunities in support of livable communities.

**HUD Objective:** The primary federal objective of the CDBG program is the development of viable urban communities by providing decent housing and a suitable living environment and through expanding economic opportunities, principally, for persons of low- and moderate-income. "Persons of low and moderate income" are

### Contact Us

Application, General Program, and Standard Agreements Questions

### Email us

Find Your CDBG Representative by Jurisdiction

Click here