



Arizona  
Department  
*of* Housing

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# Environmental Review Record Handbook

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1110 West Washington Street, Suite 310 | Phoenix, AZ 85007  
Telephone: (602) 771-1000 | Facsimile: (602) 771-1002 | TTY: (602) 771-1001



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## 1. THE ENVIRONMENTAL REVIEW RECORD

This handbook provides a tool for recipients (local governments, non-profits, CHDOs, contractors, owners and developers) to comply with the statutory and regulatory Environmental Review Record (ERR) requirements. The Environmental Review Record will be referred to throughout this handbook as the "ERR." The ERR encompasses all forms, maps, correspondence, notes, studies, publications and related documents.

It is important to begin the environmental review process as soon as possible after determining the scope and nature of the project. Recipients are encouraged to begin the ERR even before submitting an ADOH application for funding. The ADOH issued Notice of Funding Availability (NOFA) will indicate whether a completed ERR is required at the time of application to ADOH.

No work may be started on a project and no construction contracts may be entered into until an ERR is completed and HUD or ADOH has provided a written Authority to Use Grant Funds. If federal funds are involved in a project, neither federal nor non-federal funds may be expended or committed by contract (conditional or not) until the ERR is complete and HUD or ADOH has provided a written Authority to Use Grant Funds. Only Exempt activities such as architecture, engineering and administration may be undertaken prior to the completion of the ERR.

Execution of a land lease option or land purchase option agreement is allowable prior to the completion of the environmental review provided the actual purchase or lease is contingent upon completion of the ERR and receipt from ADOH or HUD of an Authority to Use Grant Funds. The cost of the option must be a nominal portion of the purchase price.

Costs for relocation may be incurred prior to receipt of an Authority to Use Grant provided the payment of relocation costs is required by 24 CFR Part 42 and the costs were incurred after a Recipient received a grant award letter from ADOH. The application must have included the relocation activity in the Recipient's projected range of activities and in the projected use of funds. Recipients who had committed or expended non-Federal funds to begin a project before receiving an authorization from ADOH or HUD may still be eligible to use HOME funds (only) on the project under the following circumstances:

1. Recipients started the project without the intention of using Federal assistance (e.g., as evidenced by other anticipated funding, the original project budget, etc.)
2. All work on the project ceases once an application for federal funds is made and an ERR is begun on all activities, i.e., acquisition, construction, etc. ADOH or HUD provides authorization to proceed based on the completed ERR.

**Example:** A nonprofit housing developer uses its own funds to acquire land to construct four single-family affordable housing units. Under normal circumstances this project could be sustained by using local funds, and the nonprofit had no intention of using HOME funds to assist any part of it. However, unanticipated cost overruns occur related to site preparation work causing the project to go over budget. The developer decides to seek HOME funds from the ADOH, stops all activity and contacts ADOH. An ERR is completed, HOME funds are awarded and ADOH provides authorization to use HOME funds based on the results of the ERR. Work on the project recommences.

More information regarding HUD ERR requirements and background information can be found at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review)

## 1.1 Purpose of the Environmental Review

There are four objectives of the ERR process:

2. To comply with legal requirements
3. To assist in project planning
4. To determine if the proposed activity will have an impact on the environment
5. To determine whether the environment will have an impact on the proposed activity

The value of the environmental review is to identify: (1) the existence of negative impacts on a site (2) means to mitigate negative impacts and (3) alternatives to the project if needed.

The ERR process will identify areas where project design and planning can be improved to mitigate such things as high noise levels, inadequate public safety, flooding problems, or the time constraints of archaeological finds.

Successful completion of the ERR will result in the approval of recipient Documentation of Exemption or the issuance of a written "Authority to Use Grant Funds" by either ADOH or HUD.

## 1.2 Legal Basis for the Environmental Review

This handbook summarizes the following laws and regulations regarding the ERR.

1. Title I of the Housing and Community Development Act of 1974
2. Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990
3. HUD regulations at 24 CFR Part 58, Environmental Review Procedures for Recipients Assuming HUD Responsibilities
4. National Environmental Policy Act of 1969 (NEPA), as amended
5. Council on Environmental Quality (CEQ) regulations, which implement NEPA and appear as 40 CFR Parts 1500 through 1508
6. Various statutory and regulatory requirements such as those relating to the Environmental Protection Agency, the Advisory Council on Historic Preservation, and other HUD regulations
7. U.S Department of Housing and Urban Development Notice CPD-01-11

## 1.3 Two Level Government Review of ERR

The ERR requires two levels of government review. The first level of government does the work to conduct the ERR for a project. After the ERR is conducted the decision to proceed with the project is handed over to the second level of government which provides the authority to proceed with the project based on the results of the ERR. First level reviewers are designated the Responsible Entity. Second level reviewers release funds through a written Authority to Use Grant Funds.

Local government grant recipients are the Responsible Entity and are charged with doing the work of completing the ERR. Once the ERR is complete the local government must obtain ADOH approval to proceed with a project. This is done by having the local government Certifying Officer submit to ADOH a Request for Release of Funds and Certification. If the ERR is acceptable ADOH issues a written Authority to Use Grant funds after the required objection period has passed.

If the grant is a HOME grant and the recipient is a non-profit organization, CHDO, contractor or builder, ADOH is the Responsible Entity, however the recipient is charged with doing the work of completing the ERR. Once the ERR is complete the recipient sends the ERR to ADOH for approval.

If approved the ADOH Certifying Officer submits to HUD a Request for Release of Funds and Certification. If the ERR is acceptable HUD issues a written Authority to Use Grant funds after the required objection period has passed.

## **1.4 Designating a Certifying Officer or Compliance Officer**

### **1.4.1 Local Governments**

Local governments must designate a Certifying Officer who will be responsible for the ERR. The Certifying Officer is the Recipient's chief elected (Mayor or Board Chair) or administrative officer (Town or County Manager). The Certifying Officer signs all official certifications related to the ERR. ERR forms can be prepared by staff other than the Certifying Officer and documents that are not official certifications may be signed by the person completing the form. The Certifying Officer represents the Recipient and is subject to the jurisdiction of the federal courts should there be a legal challenge.

The Certifying Officer must review and comment on any Environmental Impact Statement (EIS) prepared for federally funded projects, which may have an impact on a governments community development program. If someone other than the chief elected official or administrative officer is identified as the Certifying Officer, ADOH will require documentation of approval or appointment by the Recipient's governing body.

### **1.4.2 Non-Governmental Agencies**

For non-profit organization, CHDO, contractor or builder HOME recipients, ADOH's Certifying Officer is responsible for the ERR, however the ERR forms and notices are completed by recipient's Compliance Officer. The Compliance Officer is designated by the Board Chair or Executive Director of the recipient, will typically be a staff person with the expertise to complete the ERR forms, and will be responsible for ensuring ERR compliance.

## **1.5 The ERR Process**

Depending upon the project, there are differing levels of ERR review that must be conducted. If, through the ERR, it is determined that no mitigation is required, a project may actually be "downgraded" and be subject to a less intensive review.

The first step in the process is to determine the level of environmental review that is necessary.

There are four types of Environmental Review. These are defined in more detail in Section 3:

1. Exempt
2. Categorically Excluded
3. Environmental Assessment
4. Environmental Impact Statements \*

\* Environmental Impact Statements require a different process as outlined in Section 102(2)(C) of the National Environmental Policy Act of 1969

The second step in the ERR process is to begin completing ERR forms as applicable. The third step for non-exempt activities is to conduct consultations to determine the extent to which compliance with federal laws is necessary. The fourth step is to involve the general public by publishing notices. Categorically Excluded projects must publish a Notice of Intent to Request a Release of Funds (NOI/RROF). Environmental Assessment activities must publish a combined Finding of No Significant Impact and Notice of Intent to Request a Release of Funds (FONSI/NOI/RROF). Both

types of notices provide for a public comment period and a public objection period. Both types of notices indicate the following:

1. An ERR has been conducted by a Responsible Entity and it is available for review.
2. Comments can be made to the Responsible Entity before it sends a RROF to ADOH or HUD. The public comment period is 7 days for Categorically Excluded projects and 15 days for Environmental Assessments. The Responsible Entity must extend the comment period to 30 days for Environmental Assessments if there is considerable interest or controversy or if the project is without precedent.
3. Once the RROF is received by ADOH or HUD the objection period begins. The objection period is 15 days following the receipt of the RROF by either ADOH or HUD.

After the objection period has passed and absent grounds to deny the release of funds, ADOH or HUD will issue a written Authority to Use Grant Funds. Once in possession of this document the recipient may begin work on the project.

### **1.6 ADOH Technical Assistance**

ADOH is responsible for providing technical assistance to recipients in completing the ERR process. Recipients are encouraged to request one-on-one technical assistance from ADOH staff. ADOH Program Specialists will review ERR draft letters, publications, certifications and public responses upon request.

### **1.7 Monitoring and Enforcement Actions**

HUD requires ADOH to regularly monitor recipients for compliance in all areas including the ERR process. This monitoring may include periodic review of the ERR file and an inspection of the project site to verify that ERR information is correct and enforcement actions have been implemented.

ADOH will undertake enforcement actions if ERR violations are noted. These can include:

1. Withholding funds until corrective actions are implemented;
2. Disallowance of costs;
3. Placement of restrictions on future grants.

### **1.8 Access to and Retention of Records**

Original ERR documents must be maintained by the Recipient for a minimum of five years after grant close out. These documents must be available for review and inspection by ADOH staff, HUD, their delegated representatives, and the public.

Since the purpose of the various notices is to inform the public that ERR files are available for public inspection, an incomplete ERR is a valid basis for an objection and withholding a Release of Funds.

## **2. BEGINNING THE ENVIRONMENTAL REVIEW PROCESS**

Recipients must carefully define the project or undertaking. A "project" can be a single activity or several aggregated activities. Time should be spent developing comprehensive project descriptions, maps, photos, prior studies and other items that relate to the proposed project.

### **2.1 Project Aggregation**

The goal is to determine all of the potential and cumulative impacts of the project on the environment and vice versa. Thus, individual activities may need to be aggregated and the impact of reasonably foreseeable actions need to be assessed. Cumulative impacts can result from individually minor but collectively significant actions that may take place over a period of time. Further, both direct and indirect effects of an ADOH-funded project must be reviewed to include changes in land-use patterns, population density or growth that may result from even a small activity.

A Recipient must group together and evaluate as a single project all individual activities, which are related either geographically or functionally. Aggregating activities allows the Recipient to consider the combined environmental effect of a project. .

When a Recipient undertakes several activities in one area or proposes a multi-year, phased project, all activities and all phases of the project must be aggregated and evaluated for their cumulative effect. All prospective federal funding years must be indicated. Thus, if a community proposes to pave certain streets in year one, and additional streets in years two and three, the initial ERR must evaluate the full extent of the paving project rather than just the first phase. If some of the components or activities are to be carried out by another entity, they should be included in the project. The final ADOH or HUD authorization to proceed covers all the activities/phases. If the scope of the project changes after the authorization is provided the ERR may have to be updated with new consultations and publications.

Examples

ADOH funds will be used to build a senior citizen center. A private non-profit will use HOME funds to build a new senior housing project contingent upon the completion of the center. The ERR should encompass the new housing project as well as the center.

The Recipient will pave only one street with the current ADOH grant; however, it intends to pave all the streets in the LM section of the community during the next three years with either ADOH or local funds. The ERR should encompass the paving of all streets in the LM section rather than just the street to be paved with ADOH funds.

### **2.2 Creating a Paper Record**

Each Recipient must create and maintain a distinct file documenting the environmental review undertaken for each project and should include all of the items identified in the applicable checklists contained in this Handbook. This file is designated the Environmental Review Record (ERR) and must be available for public review. The ADOH contract number(s) and project name must be labeled on each file. Recipients must use the forms and public notices provided on the Forms and Handbooks page of the ADOH website at: [www.azhousing.gov](http://www.azhousing.gov). Samples of these forms

and notices are contained in this handbook. The ERR must document the impact of the entire project, not only the portion funded by ADOH.

## **2.3 Source Documentation**

Each Environmental Review Record must contain source documentation for all determinations made. Below are some examples of acceptable types of source documentation. Each must be traceable and must establish a factual basis for the determination.

### **2.3.1 On-Site or Field Observation**

An on-site visit may or may not involve any testing or measurements. Persons making observations of field conditions must have expertise in the area in which they are commenting. The date of the visit and the name and qualifications of the person making the visit must be documented.

### **2.3.2 Personal Contact**

This is useful when the person contacted is an acceptable authority on the subject. Contact can be made by email, letter, telephone or personal visit. Documentation must include: the date of the contact; the person making the contact; the name, title and telephone number of the person contacted; an explanation as to why the person is an authority if such is not obvious (city engineer, professor of archeology); and a summary of the questions and responses.

### **2.3.3 Resource Materials**

Detailed information can be found in comprehensive land use plans, maps, statistical surveys and studies. The materials must be current and have followed acceptable methodologies. If the actual materials are not included in the ERR, the citation should include enough information so that anyone reviewing the ERR can determine the relationship of the material to the project. The actual materials must be available for review upon request.

A special study may be conducted for an individual factor (such as an archeological survey) and must be performed by a qualified person using acceptable methodologies. If a copy of the study is not included in the ERR, its location must be stated in the ERR and it must be made available upon request.

### **2.3.4 Agency Review**

Replies from letters sent to agencies are excellent source documentation. Public agencies are charged with specific responsibility to provide the very review that is necessary to assess impact. If this source is cited, the person's qualifications must be included along with the name, position and date the review was made.

### 3. **DETERMINING A PROJECT'S ENVIRONMENTAL STATUS**

Projects undertaken with federal funds are classified in one of the following four NEPA categories. The project classification is based on the nature of the project and/or the effect the project will have on the environment. Each category has different documentation and publication requirements.

Key points and time frames for completion of the ERR are:

1. Exempt - (no time constraints)
2. Categorical Exclusion (CE) - (50 to 77 days)
3. Environmental Assessment (EA) - (45 to 84 days)
4. Environmental Impact Statement (EIS) – Contact ADOH

Included in this section are examples of the four NEPA categories. Once the project's environmental status has been determined, the Recipient should refer to the appropriate section of this handbook for additional information specific to the category.

Note that one activity may have components that can be classified differently, e.g. the architectural component of new rental housing will be exempt while the actual construction will be an EA. Thus a Recipient can procure the services of an engineer and spend funds for such services before the ERR on the housing construction is complete. In some cases the engineer may provide information to assist in completion of an ERR.

*Important Note: An ERR is valid for the funding years and amounts for which a community has published and been issued an Authority to Use Grant Funds.*

#### 3.1 **Exempt Activities**

EXEMPT projects require the least amount of documentation and preparation. Once a project is classified as Exempt, no further environmental review is necessary but documentation of the determination must be maintained in the ERR file. There are no publication requirements for an Exempt project or component of an activity.

##### 3.1.1 **Examples of Exempt Projects**

- a. Environmental studies for ADOH, HOME, or other federal projects
- b. Resource identification and development of plans and strategies, e.g., comprehensive or recreation plans
- c. Information and financial services
- d. Administration
- e. The payment of principal and interest on a Section 108 loan
- f. Engineering and design incurred for an eligible activity
- g. Inspection and testing of properties for hazards or defects
- h. Assistance activities for imminent threats to health and safety if the activities do not alter environmental conditions; and improvements are limited to protection, repair, or restoration actions necessary only to control or arrest the effects of imminent threats or physical deterioration. (Note that this is not equivalent to an Urgent Needs project and does not include rehab activities.)

- i. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs.
- j. The following **Categorically Excluded activities are considered Exempt** and do not require going through the Statutory Worksheet (Form E-4):
  - 1) Tenant-based rental assistance;
  - 2) Supportive services including, but not limited to, health care, housing services (such as housing counseling), permanent housing placement, short term payments for rent/mortgage/utility costs, inspections and tenant selection, and nutritional services;
  - 3) Operating costs including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, staff training and recruitment, and other incidental costs;
  - 4) Equipment necessary to the operation of a service such as a fire truck, ambulance, transportation services, etc.;
  - 5) 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;

### 3.2 Categorically Excluded (CE) Activities

Projects classified as CATEGORICALLY EXCLUDED require a greater amount of documentation than a project classified as EXEMPT and the ERR process may take 50 - 77 days to complete. Form E-3 is designed to assist a Recipient with determining whether an activity is a CE or an EA.

#### 3.2.1 Examples of Categorically Excluded (CE) Projects

- a. Removal of architectural barriers
- b. Rehabilitation of one to four single family units when the density is not increased beyond 4 units per site, the land use is not changed and, if the building is located in a floodplain or in a wetland, the footprint of the building is not increased.
- c. Rehabilitation of non-residential structures including commercial, industrial and public buildings when the facilities and improvements are in place and will not be changed in size or capacity by more than 20% and the activity does not involve a change in land use.
- d. Acquisition/rehabilitation of multi-family if no change in land use from non-residential to residential, the density is not increased beyond 20%, the footprint of the building is not increased in a floodplain, and the estimated cost of the rehab does not exceed 75% of the total estimated cost of replacement value after rehab
- e. New construction, development, demolition, acquisition, disposition or refinancing where there is a maximum of 4 units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between.
- f. New construction, development, demolition, acquisition, disposition or refinancing of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units in any one site.
- g. Replacement of water/sewer lines\*

- h. Rehabilitation of a social service, community center, health clinic, recreational center or senior center \*
  - i. Street repaving \*
  - j. Reconstruction of curbs and sidewalks \*
  - k. Reconstruction of a drainage/flood control system \*
  - l. Acquisition, leasing, equity loan, or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.
- \* When facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20%.

### 3.2.2 Downgrading CE Projects

Some Categorically Excluded activities may be downgraded to Exempt. A Form E-4 must be completed and if the results are all "A's," the project may be considered Exempt.

## 3.3 Environmental Assessment (EA) ACTIVITIES

A project classified as an ENVIRONMENTAL ASSESSMENT (EA) requires a significant amount of documentation and the ERR process will take 45 - 84 days to complete. Any project that is not categorized as Exempt or Categorically Excluded will require an Environmental Assessment. In general, projects that require an EA are those that involve new construction, changes in land use, and major reconstruction or expansion of existing facilities (generally above a 20% increase). At the conclusion of the EA process, the Recipient may determine that the project requires an Environmental Impact Statement (EIS). If it is evident before preparing an EA that an EIS is required, the Recipient should contact ADOH.

### 3.3.1 Examples of Environmental Assessment Projects

- a. Construction of new housing beyond four units
- b. Construction of new social service, community, or senior center or health clinic
- c. Construction of a new fire station or library
- d. Construction of a new water or wastewater system including new water wells, storage facilities, treatment plants and transmission lines
- e. Water or sewer line extensions (vs. replacements) and new hook-ups/tie-ins
- f. Construction of new drainage or flood control facilities
- g. Construction of new streets or substantial reconstruction to include widening by 20% or more
- h. Construction of new industrial or commercial facilities or significant expansions of such (even if the actual construction or expansion is privately financed and ADOH funds are used only for equipment purchase or design/engineering costs)
- i. Land acquisition or demolition if there is a change in land use

### 3.3.2 Re-evaluation of an EA

A re-evaluation of an ERR can only be accomplished with Environmental Assessments. Changes to a project may require the Responsible Entity to conduct a Re-evaluation of the EA. If the recipient is not the Responsible Entity, the recipient must notify the Responsible Entity of the project changes. The purpose of a re-evaluation is to determine if the findings in

the original EA are still valid and if a new EA or an EIS needs to be conducted. If the original findings are still valid, the EA will only have to be amended with the new information. If the original findings are not still valid, a new Environmental Review will have to be conducted.

A Responsible Entity must re-evaluate its environmental findings using form E-14 to determine if the original findings are still valid when any of the following conditions apply:

- a. It makes a substantial change in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project and its cost estimate.
- b. There are new circumstances and/or 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.
- c. The Recipient selects an alternative not considered in the original Environmental Assessment or Categorical Exclusion.

### **3.4 Environmental Impact Statement (EIS)**

Based on the dollar amount of most contracts, an Environmental Impact Statement (EIS) is rarely required for ADOH CDBG and HOME funded projects. Examples of projects that may require an EIS include:

1. A site for a hospital or nursing home containing 2,500 or more beds
2. Removal, demolition, conversion or substantial rehabilitation of 2,500 or more existing housing units
3. A project providing additional water or sewer capacity to support 2,500 or more additional housing units

NOTE: If, after completion of an EA, a Recipient determines that the thresholds shown above are the sole reason for an Environmental Impact Statement, it may prepare a Finding of No Significant Impact and make it available for public review for at least 30 days before making a final decision as to whether to prepare an EIS.

### **3.5 Housing Rehabilitation (HR)**

#### **3.5.1 Owner Occupied Housing Rehabilitation**

Most owner-occupied housing rehabilitation activities are Categorically Excluded (if no change in the land use, the density does not increase beyond 4 units or the footprint of the building is not increased in a floodplain). Categorically Excluded rehabilitation projects must use the Rehabilitation Environmental Review (RER). Non-Categorically Excluded rehabilitation projects require an Environmental Assessment. For Housing Reconstruction projects a different process must be followed. Please see Section 7, Paragraph 7.4.

#### **3.5.2 Multi-Family Housing Rehabilitation**

Multi-Family Housing Rehabilitation may be Categorically Excluded if unit density is not increased more than 20%, the project does not involve changes in land use from residential to non-residential, and the estimated cost of rehab is less than 75% of the total cost of replacement Multi-Family Housing Rehabilitation projects that do not meet this criteria require and Environmental Assessment.

## **4. EXEMPT PROJECTS**

By using the checklist that appears in Section 12, the Recipient will ensure that the ERR contains the correct forms and proper documentation.

### **4.1 Exempt Projects**

This would include projects that are automatically exempt per 24 CFR Part 58.34 and categorically excluded projects considered exempt per 24 CFR Part 58.35(b). Please refer to ERR Handbook section 3.3.1.j for further information on projects that are categorically excluded considered exempt.

#### **4.1.1 Required Forms**

- E-CO Certifying Officer or E-CO.1 Compliance Officer Designation
- E-1 Project Narrative
- E-2 Documentation of Exemption
- E-3 Level of Environmental Review Form
- E-3.1 Determination Form

**NOTE:** Forms should be completed and provided to ADOH only if the entire project is Exempt. If only a component of a project is exempt (e.g. engineering, administration, appraisal) no forms are necessary for that component.

#### **4.1.2 Publications/Notices**

No publications are required and no RROF need be submitted ADOH does not issue an Authority to Use Grant Funds for automatically exempt components of an activity or for Administration activities, only for the activity itself. The ERR process is complete when ADOH notifies Recipient that E-2 is approved.

#### **4.1.3 Approximate Timeline**

When a project is determined to be Automatically Exempt, the only time involved is that to complete forms E-CO, E-1, E-2, E-3 and E-3.1.

## 5. **CATEGORICALLY EXCLUDED (CE) PROJECTS**

By using the checklist that appears in Section 12, the Recipient will ensure that the ERR contains the correct forms and proper documentation.

### 5.1 **Required Forms**

E-CO Certifying Officer or E-CO.1 Compliance Officer Designation

E-1 Project Narrative

E-3 Level of Environmental Review

E-3.1 Determination Form

E-4 Statutory Checklist (If no mitigation or violation was identified from consultations related to the Statutory Checklist (Form E-4) and all boxes checked A, the activity can be downgraded to Exempt). If the project is downgraded to exempt, refer to Section 5.2 for guidance.

E-8 Notice of Intent to Clear Land (if applicable)

E-9 Administrative Record (if applicable)

E-DD Date Determination Form for Categorically Excluded and RER

E-10 Letters as required by form E-4

E-12 Request for Release of Funds and Certification

E-13 Authority to Use Grant Funds (issued by ADOH or HUD)

E-P.1 Floodplains/Wetlands Notice (if applicable)

E-P.2 Notice of Intent to Request Release of Funds (NOI/RROF); OR

E-P.3 NOI/RROF and Notice of Decision Regarding Project to be Located in Floodplain or Wetlands

### 5.2 **Categorically Excluded Projects Downgraded to Exempt**

A project can be downgraded from Categorically Excluded to Exempt if there are no circumstances that require compliance with federal laws. This is the case if all boxes in Form E-4 are checked in the "A" column. By using the checklist that appears in Section 12, the Recipient will ensure that the ERR contains the correct forms and proper documentation.

#### 5.2.1 Required Forms

E-CO Certifying Officer or E-CO.1 Compliance Officer Designation

E-1 Project Narrative

E-2 Documentation of Exemption

E-3 Level of Environmental Review

E-3.1 Determination Form

E-4 Statutory Checklist

E-10 Letters as required by form E-4

#### 5.2.2 Publications/Notices

No publications are required and no Request for Release of Funds form E-12 need be submitted. However, the Recipient must submit forms E-CO through E-10 to ADOH who will review the documentation and notify the Recipient when the ERR is approved. No Authority to Use Grant Funds (E-13) is issued.

### 5.3 Publications/Notices

#### 5.3.1 Floodplain/Wetlands Notice

Before the publication process begins, determine if the project is located in, or will impact on, a 100-year floodplain or a wetland. If yes, the Recipient must first publish the Floodplain/Wetland Notice (E-P.1) in a local newspaper.

#### 5.3.2 Newspaper Publication NOI/RROF

A Notice of Intent to Request Release of Funds (NOI/RROF, form E-P.2 or E-P.3) must be published at least once in a general circulation newspaper. When a regularly published local newspaper does not serve the jurisdiction, it must be published in a regional or state newspaper and prominently displayed at the local post office, its substations, and other public buildings. The publication informs the general public of the following:

- a. A detailed description of the project scope (i.e., number of units, lineal feet of streets, etc), the location or target area in which project activities will be undertaken, estimated funding amounts from all sources , identify fiscal years for all projected funding
- b. An ERR has been conducted by a Responsible Entity and it is available for review.
- c. Comments can be made to the Responsible Entity before it requests a release of funds from ADOH or HUD. The comment period is seven (7) days.
- d. Objections can be made to ADOH or HUD regarding the release of funds. The objection period is 15 days following the receipt of the Request for Release of Funds by either ADOH or HUD.
- e. Comments must be taken into consideration by the Responsible Entity prior to submitting a Request for Release of Funds and Certification to ADOH or HUD. The day ADOH or HUD receives the Request for Release of Funds and Certification is the day the 15-day objection period begins. The two periods do not run concurrently. Funds cannot be released until 15 days after ADOH or HUD receives this notice OR the end of the objection period stated in the NOI/RROF, whichever is later. Comment periods are counted in calendar days and begin one day after the day of publication.

### 5.4 Approximate Timeline

**Day 1** Complete E-CO Certifying Officer/Compliance Officer Designation Form, Project Narrative (E-1), Determination Form (E-3), Level of Environmental Review (E-3.1), Mail letters to agencies for comments (E-4 and E-10). Allow 35 days for response time. If project is located in a floodplain or wetland, publish Floodplains/Wetlands Notice (E-P.1)

**Day 16** Final day for receiving comments on Floodplain/Wetlands Notice (EP-1)

**Day 36** Final day for receiving responses to E-10 letters. If you have not received a response, follow up may be required. If letters were mailed certified and you have evidence letters were received (signed certified mail cards), no follow up is required. If you have not mailed letters certified or do not have evidence letters were received, you must document follow up

attempts to acquire a response. Documented phone calls and e-mails are acceptable forms of follow-up.

**Day 37** Complete Statutory Checklist (E-4). If all boxes checked A, the activity can be downgraded to exempt, therefore publication (E-P.2 or E-P.3) and RROF (E-12) are not necessary. Sign and submit to ADOH the Documentation of Exemption Form (E-2) . If project not downgraded to exempt mail completed ERR including draft E-P.2 or E-P.3 to ADOH for review.

**Day 40** ADOH receives and reviews ERR packet (allow 10 working days)

**Day 50** If downgraded to Exempt, ERR process is complete when ADOH notifies Recipient that E-2 is approved. If not downgraded to Exempt ADOH notifies Recipient if publication is accurate.

**Day 51** Publish approved publication (Form E-P.2 or E-P.3) and mail a copy of the notice to the U.S. EPA and any other known interested parties and individuals. Lead time for publication dates of local newspapers must be taken into consideration when developing a timeline

**Day 59** Local review/comment period ends (seven (7) days)

**Day 60** A RROF & Certification (E-12) *with original signature*; copy of Notice (E-P.2 or E-P.3) as published; and affidavit of publication is sent to ADOH. (These items should be sent as soon as possible after the local comment period ends. Before issuing an Authority to Use Grant Funds, ADOH or HUD is required to wait 15 days from receipt of the RROF or until the day after the objection period, whichever is longer.)

**Day 61** Begins 15-day period for objections to be submitted to ADOH or HUD

**Day 76** Objection period ends

**Day 77** ADOH or HUD prepares and mails Authority to Use Grant Funds (E-13)

## 6. **ENVIRONMENTAL ASSESSMENT (EA) PROJECTS**

By using the checklist that appears in Section 12, the Recipient will ensure that the ERR contains the correct forms and proper documentation.

**NOTE: The Environmental Review Record forms must never be executed, dated and submitted to ADOH until after the 35 day response time associated with the completion of the Statutory Checklist has expired in order to prove everyone was given the proper time to respond to the Recipient.**

### 6.1 **Required Forms**

- E-CO Certifying Officer Designation or E-CO.1 Compliance Officer Designation
- E-1 Project Narrative
- E-3 Environmental Review Determination Form
- E-3.1 Level of Environmental Review
- E-8 Notice of Intent to Clear Land (if applicable)
- E-9 Administrative Record (if applicable)
- E-10 Letters as required by form E-11
- E-11 Environmental Assessment Checklist
- E-12 Request for Release of Funds and Certification
- E-13 Authority to Use Grant Funds (issued by ADOH or HUD)
- E-DD.1 Date Determination Form for Environmental Assessment
- E-P.1 Floodplains/Wetlands Notice (if applicable)
- E-P.4 Concurrent Notice of FONSI & Intent to Request Release of Funds; OR
- E-P.5 Concurrent Notice of FONSI, Intent to Request Release of Funds, and Decision Regarding Project Located in Floodplain/Wetlands

### 6.2 **Publications/Notices**

#### 6.2.1 Floodplain/Wetlands Notice

Before the publication process begins, determine if the project is located in or will impact on a 100-year floodplain or a wetland. If yes, the Recipient must first publish the Floodplain/Wetland Notice (E-P.1) in a local newspaper.

#### 6.2.2 Concurrent Notice: FONSI & NOI/RROF

The Concurrent Notice (combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds, form E-P.4 or E-P.5) must be published at least once in a general circulation newspaper. When a regularly published local newspaper does not serve the jurisdiction, it must be published in a regional or state newspaper and prominently displayed at the local post office, its substations, and other public buildings.

The publication informs the general public of the following.

- a. An ERR has been conducted by a Responsible Entity and it is available for review.
- b. Comments can be made to the Responsible Entity before it requests a release of funds from ADOH or HUD. The comment period is fifteen (15) days. The Responsible Entity must extend the comment period to 30 days if there is considerable interest or controversy or if the project is without precedent.

- c. Objections can be made to ADOH or HUD regarding the release of funds. The objection period is 15 days following the receipt of the Request for Release of Funds by either ADOH or HUD. Comments must be taken into consideration by the Responsible Entity prior to submitting a Request for Release of Funds and Certification to ADOH or HUD. The day ADOH or HUD receive the Request for Release of Funds and Certification is the day the 15-day objection period begins. The two periods do not run concurrently. Funds cannot be released until 15 days after ADOH or HUD receives this notice OR the end of the objection period stated in the NOI/RROF, whichever is later. Comment periods are counted in calendar days and begin one day after the day of publication.

### 6.3 Approximate Timeline

**Day 1** Complete (E-CO) Certifying Officer or E-CO.1 Compliance Officer Designation Form, Project Narrative (E-1), Determination Form (E-3), Level of Environmental Review (E-3.1), Mail letters (E-10) to agencies for comments in order to prepare the E-11. Allow 35 days for response time. If project located in a floodplain or wetland, publish Floodplains/Wetlands Notice (E-P.1)

**Day 16** Final day for receiving comments on Floodplain/Wetlands Notice (EP-1)

**Day 36** Final day for receiving responses to E-10 letters

**Day 37** Complete the Environmental Assessment Checklist (E-11). Finalize paperwork for ERR and mail copy of completed ERR forms, responses, and draft Concurrent Notice (E-P.4 or E-P.5) to ADOH for review

**Day 40** ADOH receives and reviews ERR information (allow 10 working days)

**Day 50** ADOH staff notifies Recipient if forms are complete and publication is accurate

**Day 51** Publish approved publication (Form E-P.4 or E-P.5) and mail a copy of the notice to the U.S. EPA and any other known interested parties and individuals. Lead time for publication dates of local newspapers must be taken into consideration when developing a timeline.

**Day 66** Local review/comment period ends (15 days)

**Day 67** A RROF & Certification (E-12) *with original signature*; copy of Notice (E-P.4 or E-P.5) as published; and affidavit of publication is sent to ADOH. (These items should be sent as soon as possible after the local comment period ends. Before issuing an Authority to Use Grant Funds, ADOH or HUD is required to wait 15 days from receipt of the RROF or until the day after the objection period, whichever is longer.)

**Day 68** ADOH or HUD receives RROF & Certification, etc. and this begins the 15-day period for the public to submit objections to ADOH.

**Day 83** Objection period ends.

**Day 84** ADOH or HUD prepares and mails Authority to Use Grant Funds (E-13).

## 6.4 Environmental Assessment Finding

At the culmination of the Environmental Assessment process, which is documented by completing form E-11, the Recipient must make either a Finding of No Significant Impact (FONSI) or a Finding of Significant Impact, in which the project is deemed to be an action that may affect the quality of the human environment. If the environmental review results in a Finding of Significant Impact, contact ADOH for further instructions regarding the preparation of an Environmental Impact Statement (EIS).

Reasons supporting a Finding of No Significant Impact (FONSI) and a decision not to prepare an Environmental Impact Statement (EIS) will vary with the nature of the project, and when and how it will be implemented. Recipients must ensure that the reasons stated on form E-11 and in the Finding of No Significant Impact/Concurrent Notice (E-P.4/5) accurately reflect the results of the local decision making process, and are fully supported by documentation in the ERR. Listed below are possible reasons to support a Finding of No Significant Impact:

1. This proposed project will cause some increase in noise, dust or other nuisance levels during [demolition/construction or rehabilitation]; however, such a disturbance(s) will be temporary and will cease upon the completion of the activities which cause them.
2. The proposed project will not affect any known local, state or national historic, architectural or archaeological resource presently listed or potentially eligible for listing in the National Register of Historic Places or in any state or local Registry.
3. The project to be undertaken will not affect or be affected by a 100-year floodplain or a wetland.
4. There will be no negative impacts on the physical or socioeconomic environment as a result of this proposed project.

The Recipient must consult with relevant state and federal agencies, abide by regulations applicable to the project, and take other actions as required under federal laws. Again, all actions should be documented and made a part of the Environmental Review Record.

## 6.5 Re-evaluation of an EA

A re-evaluation of an ERR can only be accomplished with Environmental Assessments. Changes to a project may require the Responsible Entity to conduct a Re-evaluation of the EA. If the recipient is not the Responsible Entity, the recipient must notify the Responsible Entity of the project changes. The purpose of a re-evaluation is to determine if the findings in the original EA are still valid and if a new EA or an EIS needs to be conducted. If the original findings are still valid, the EA will only have to be amended with the new information. If the original findings are not still valid, a new Environmental Review will have to be conducted.

A Responsible Entity must re-evaluate its environmental findings using form E-14 to determine if the original findings are still valid when any of the following conditions apply:

- a. It makes a substantial change in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project and its cost estimate.
- b. There are new circumstances and/or 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.

- c. The Recipient selects an alternative not considered in the original Environmental Assessment or Categorical Exclusion.

#### 6.5.2 Required Forms for a Re-evaluation

- E-CO Certifying Officer Designation or E-CO.1 Compliance Officer Designation
- E-1 Project Narrative: A copy of the original
- E-11 Environmental Assessment Checklist: A copy of the original
- E-13 Authority to Use Grant Funds: A copy of the original
- E-14 Re-evaluation of ERR: signed original

An ERR is valid for the funding years and amounts for which a community has published and been issued an Authority to Use Grant Funds.

PLEASE NOTE: If the Re-evaluation is for an approved Environmental Review with an E-13 Authority to Use Grant Funds issued prior to October 2014 you will need to submit a copy of the original E-4 Statutory Worksheet in addition to the above required forms with your Re-evaluation request.

## 7. **HOUSING REHABILITATION PROJECTS**

Most owner-occupied housing rehabilitation activities are Categorically Excluded (if density not increased beyond 4 units, no change in the land use and the footprint of the building is not increased in a floodplain). Categorically Excluded rehabilitation projects must use the Rehabilitation Environmental Review (RER) outlined in this Section. Non-Categorically Excluded rehabilitation projects require an Environmental Assessment. For purposes of Environmental Review, reconstruction of owner occupied single family units including mobile or manufactured home replacement is considered new construction. For further guidance on reconstruction projects, please see Section 7.4.

The RER requires the completion of an E-HR.1 followed by a publication of a Notice of Intent to Request a Release of Funds. After an Authority to use Grant Funds is provided by HUD or ADOH, an Appendix A (E-HR.2) is to be completed for each project site. An 8 step process is required (E-9) for rehabilitation projects located in a floodplain with construction costing more than 50% of the before rehabilitation value of the structure.

By using the checklist that appears in Section 12, the Recipient will ensure that the ERR contains the correct forms and proper documentation.

PLEASE NOTE: ADOH has received a concurrence from SHPO dated June 10, 2013 that Pre-1974 Mobile Homes that will undergo housing rehabilitation or replacement do not require SHPO consultation. A Copy of this concurrence (Form E-10a.3) can be found in Chapter 14 of this handbook.

### 7.1 **Required Forms for RER**

- E-CO    Certifying Officer Designation or E-CO.1 Compliance Officer Designation
- E-1     Project Narrative
- E-3     Level of Environmental Review
- E-HR.1 Rehabilitation Environmental Review
- E-9     Administrative Record (if the project is located in a floodplain/wetlands)
- E-12    Request for Release of Funds and Certification
- E-13    Authority to Use Grant Funds (issued by ADOH or HUD)
- E-DD    Date Determination Form
- E-P.1   Floodplains/Wetlands Notice (if applicable)
- E-P.6   Notice of Intent to Request Release of Funds (NOI/RROF); **OR**
- E-P.3   NOI/RROF and Notice of Decision Regarding Project to be Located in Floodplain or Wetlands
- E-HR.2 Appendix A.

Once an E-13 has been issued an E-HR.2 Appendix A is required to be completed for each individual housing unit.

### 7.2 **Publications/Notices**

#### 7.2.1 Floodplain/Wetlands Notice

Before the publication process begins, determine if the project is located in or will impact on a 100-year floodplain or a wetland (see Section 8). If yes, the Recipient must first publish the Floodplain/Wetland Notice (E-P.1) in a local newspaper.

### 7.2.2 Newspaper Publication NOI/RROF

A Notice of Intent to Request Release of Funds (NOI/RROF, form E-P.6 or E-P.3) must be published at least once in a general circulation newspaper. When a regularly published local newspaper does not serve the jurisdiction, it must be published in a regional or state newspaper and prominently displayed at the local post office, its substations, and other public buildings. The publication informs the general public of the following.

- a. An ERR has been conducted by a Responsible Entity and it is available for review.
- b. Comments can be made to the Responsible Entity before it requests a release of funds from ADOH or HUD. The comment period is seven (7) days.
- c. Objections can be made to ADOH or HUD regarding the release of funds. The objection period is 15 days following the receipt of the Request for Release of Funds by either ADOH or HUD.

Comments must be taken into consideration by the Responsible Entity prior to submitting a Request for Release of Funds and Certification to ADOH or HUD. The day ADOH or HUD receive the Request for Release of Funds and Certification is the day the 15-day objection period begins. The two periods do not run concurrently. Funds cannot be released until 15 days after ADOH or HUD receives this notice OR the end of the objection period stated in the NOI/RROF, whichever is later. Comment periods are counted in calendar days and begin one day after the day of publication.

### 7.3 Approximate Timeline

**Day 1** Complete (E-CO) Certifying Officer or E-CO.1 Compliance Officer Designation Form Complete, Project Narrative (E-1) and Determination Form (E-3). If project located in a floodplain or wetland, publish Floodplains/Wetlands Notice (E-P.1)

**Day 2** Complete the Rehabilitation Environmental Review (E-HR.1)

**Day 16** Final day for receiving comments on Floodplain/Wetlands Notice, if applicable.

**Day 17** Complete the Administrative Record if applicable (E-9)

**Day 18** Mail copy of completed ERR forms and draft E-P.6 or E-P.3 to ADOH for review and approval.

**Day 21** ADOH receives and reviews ERR packet (allow 10 working days)

**Day 31** ADOH notifies Recipient if draft publication is accurate.

**Day 32** Recipient or ADOH publishes approved publication (E-P.6 or E-P.3). Lead time for publication dates of local newspapers must be taken into consideration when developing a timeline.

**Day 40** Local review/comment period ends. (7 days)

**Day 41** A RROF & Certification (E-12) with original signature; copy of Notice (E-P.6 or E-P.3) as published; and affidavit of publication is sent to ADOH. (These items should be sent as soon as possible after the local comment period ends. Before issuing an Authority to Use Grant Funds, ADOH or HUD is required to wait 15 days from receipt of the RROF or until the day after the objection period, whichever is longer.)

**Day 42** Begins 15-day period for objections to be submitted to ADOH or HUD

**Day 57** Objection period ends

**Day 58** ADOH or HUD prepares and mails Authority to Use Grant Funds (E-13)

Appendix A must be completed before obligating funds for any individual HR home or building.

## 7.4 Reconstruction

Although reconstruction of single family units including mobile or manufactured housing replacement is eligible to receive federal HOME or CDBG assistance as housing rehabilitation projects, Environmental Review regulations treat reconstruction as a new construction activity and a different process for environmental clearance must be followed. Most reconstruction activities are Categorically Excluded. Reconstruction activities that increase density beyond 4 units, change land use or increase the footprint of the building into a floodplain will require an Environmental Assessment.

### 7.4.1 Combination Programs

If your program consists of both rehabilitation and reconstruction of single family units including mobile or manufactured housing replacement, you will follow the process for tiered environmental clearance outlined in Sections 7.1 through 7.3 above. Once units for reconstruction are identified you will need to complete the following forms for *each individual reconstruction unit*:

E-1 Project Narrative

E-2 Documentation of Exemption \*\*

E-3 Level of Environmental Review (under CE, check box for “an individual action up to 4 units”

E-3.1 Determination Form

E-4a Statutory Worksheet - Reconstruction (do not complete E-HR.2 Appendix A for reconstruct unit)

In most cases, through completion of the E-4a you will be able to downgrade the reconstruction to Exempt and no E-13 Authority to Use Grant Funds will be necessary.

### 7.4.2 Reconstruction Only Programs

If your housing rehabilitation program consists entirely (100%) of reconstruction of owner occupied single family units including mobile or manufactured housing replacement you will not be able to follow the tiered review for Housing Rehabilitation and must complete a Categorically Excluded environmental review specific to reconstruction only.

### 7.4.3 Required Forms (as applicable) for Reconstruction Only Programs

E-CO Certifying Officer Designation or E-CO.1 Compliance Officer Designation

E-1 Project Narrative

E-2 Documentation of Exemption \*\*

E-3 Level of Environmental Review

E-3.1 Determination Form

E-4a Statutory Worksheet for Reconstruction (one for each unit to be assisted in program)

E-9 Administrative Record (if any units in the project are located in a floodplain/wetlands)

E-12 Request for Release of Funds and Certification

E-13 Authority to Use Grant Funds (issued by ADOH or HUD)

- E-DD Date Determination Form
- E-P.1 Floodplains/Wetlands Notice (if applicable)
- E-P.6 Notice of Intent to Request Release of Funds (NOI/RROF); *OR*
- E-P.3 NOI/RROF and Notice of Decision Regarding Project to be Located in Floodplain/Wetlands.

The timeline for completion of this type of environmental review will be similar to the one found at Section 5.4 for Categorical Excluded projects.

\*\* The E-2 will be required only if through the consultation process followed on the E-4a, the project can downgrade to Exempt (all box "A's" checked, no mitigation required, no further consultation required).

## **8. PROJECTS LOCATED IN FLOODPLAINS OR WETLANDS**

Executive Orders 11988 and 11990 "... assure that Federal programs avoid adverse impacts on wetlands and floodplains; minimize destruction, loss or degradation of wetlands; preserve and enhance the natural and beneficial values of wetlands; reduce risk of flood loss; minimize the impact of floods on human safety, health, and welfare; and to the extent possible, restore the natural and beneficial values served by floodplains." The Water Resources Council implementation guidelines provide for:

1. Early information to the public if a project will be located in a floodplain or wetlands and/or will indirectly affect a floodplain or wetlands;
2. A clear decision making process to include a review of all practicable alternatives; and
3. Notification to the public of the final decision regarding the project. (The guidelines are not intended to prohibit floodplain or wetlands development.)

In addition, HUD's rule to implement E.O. 11988 on floodplain management allows for provision of direct or indirect federal assistance only when there is no practicable alternative to floodplain development or any action that would adversely affect a floodplain area.

NOTE: E.O. 11998 does not apply if the Federal Emergency Management Agency (FEMA) has issued either a "Letter of Map Amendment" (LOMA), or a "Letter of Map Revision" (LOMA) for a project site located within a Special Flood Hazard Area.

### **8.2 Definitions**

**100-year floodplain:** The floodplain of concern for HUD programs which is the area subject to a 1% or greater chance of flooding in any given year.

**500-year floodplain:** The minimum floodplain of concern for Critical Actions which is the area subject to inundation from a flood having a 0.2% chance of occurring in any given year.

**Base floodplain:** 100-year floodplain

**Critical action:** Any activities for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions include activities that create, maintain or extend the useful life of those structures or facilities that:

1. Produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials;
2. Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas); or
3. Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g., persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers.

**Floodway:** That portion of the floodplain, which is effective in carrying flow, where the flood hazard is generally the greatest, and where water depths and velocities are the highest. The term "floodway" as used here is consistent with "regulatory floodways" as identified by FEMA.

**High hazard area:** A floodway or a coastal high hazard area.

**Wetlands:** an area that meets the following three characteristics:

1. It is flooded permanently or periodically
2. It has predominately submerged vegetation
3. It has water saturated soil

### 8.3 Consider the Alternatives

When a project will be located in a designated floodplain, the following eight steps must be completed by completing form E-9 to demonstrate that there is no practicable alternative to the project.

**Step 1 – Determine the Project Location.** The Recipient must determine whether the proposed project is located in or will impact on a 100-year floodplain/wetland or in a 500 year floodplain (if it is a critical action). This can be done by reviewing a detailed Flood Insurance Rate Map (FIRM) or a Flood Hazard Boundary Map (FHBM), both of which are available from the National Flood Insurance Program (administered by the Federal Insurance Administration of HUD) or a wetlands map available from the U.S. Fish and Wildlife Service. If the project is not located in a floodplain/wetlands, but could impact on such directly or indirectly (e.g., supporting floodplain development), then the Recipient must proceed with the remaining seven steps in this process.

**Step 2 – Notices to the Public.** A notice (E-P.1) must be published in a newspaper of general circulation and copies posted in public places (town hall, post office, and library). Copies must also be sent to federal, state and local organizations and individuals known to be interested in the project. Note that this notice should be one of the first steps in the ERR process as it is required before any other notices are published.

**Step 3 – Identify and Evaluate Practicable Alternatives.** During the 15-day comment period required in the E-P.1 notice, all alternatives of the proposed project must be identified and evaluated. At least three alternatives should be evaluated:

1. Alternative sites (if the floodplain/wetlands site is the only alternative, this must be fully documented)
2. Alternative actions (new solutions or approaches which would serve the same function but have less potential for harm)
3. No action (proceed with the project as planned)

**Step 4 – Identify Potential Impacts.** Potential impacts should be identified and include both direct impacts (the location of the structure in the floodplain/wetlands) and indirect impacts (infrastructure outside the floodplain/wetlands which would encourage development within it). Positive and negative impacts should be reviewed as well as short and long term consequences.

**Step 5 – Minimize, Restore and Preserve.** Again, this process should be documented as part of the development of the ERR to show that the Recipient reviewed ways to minimize harm to lives and property, natural and beneficial floodplain or wetlands values, and ways to restore and preserve the floodplain or wetlands.

All critical actions in the 500-year floodplain shall be designed and built at or above the 100-year floodplain (in the case of new construction) and modified to include:

1. Preparation of and participation in an early warning system;
2. An emergency evacuation and relocation plan;
3. Identification of evacuation route(s) out of the 500-year floodplain; and
4. Identification marks of past or estimated flood levels on all structures.

**Step 6 – Re-evaluate the Proposed Project.** Once the impact of the proposed project and the methods to minimize, restore and preserve floodplain or wetlands values have been identified, the proposed action must be re-evaluated. If the originally proposed location is the only practicable alternative, the importance of the proposed project must outweigh the requirements of the Executive Orders.

**Step 7 – Public Notice of the Decision.** If the Recipient decides that the only practicable alternative for the proposed project is within the floodplain or wetlands or it will impact on such, it must publish a second public notice. The second notice is combined with the Notice of Intent to Request Release of Funds (E-P.3) for Categorically Excluded Projects or Finding of No Significant Impact/Notice of Intent to Request Release of Funds (E-P.5) for Environmental Assessments.

**Step 8 – Implementation.** The project can be implemented after the public comment period and receipt of an Authority to Use Grant Funds from ADOH or HUD.

**8.4 Examples**

<b>Project</b>	<b>8-Step Process Required</b>	<b>8-Step Process Not Required</b>
Housing development and acquisition	1) Acquisition, reconstruction, demolition, new construction	1) Minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.
Housing acquisition and/or rehab	1) Acquisition 2) Rehabilitation a) 5 or more units, or b) 1-4 dwelling units per site; cost is >50% of the value of the structure <u>before</u> rehab; increase in unit density is >20%	1) Minor repair or improvements: 1-4 dwelling units per site; cost is <50% of the value of the structure before rehab; no increase in unit density >20%. 2) An action for interim assistance or emergency activities to provide necessary protection and control risk or damage.
Commercial rehab and development	1) Any construction and landscaping activities that are located within the floodplain	1) Any proposed construction-landscaping activities not occurring in the floodplain. 2) Minor amendment to a previously approved action with no additional adverse impact on or from a floodplain.
Public Facilities - acquisition and rehabilitation	1) Acquisition 2) Rehabilitation 3) Minor Repairs or Improvements (i.e. curb cuts)	1) Not Applicable 2) An action for interim assistance or emergency activities to provide necessary protection and control risk or damage.
An incidental portion of the project is within floodplain	1) Construction and landscaping activities will occupy or modify the floodplain.	1) Construction and landscaping activities (i.e., minor grubbing, clearing of debris, pruning, sodding, seeding, etc.) will not occupy or modify the floodplain, provision is made for site drainage, AND a property covenant or restriction preserves the floodplain.

## **9. SECTION 106 – HISTORIC PRESERVATION**

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that a recipient of federal funds consider the effects of the undertaking or project on properties included in or eligible for the National Register (NR) and consult with appropriate entities in making that decision. Revised Section 106 regulations, effective June 17, 1999, significantly expanded the role of tribal entities to include Tribal Historic Preservation Officers (THPOs). THPOs and other tribal entities must now be given an opportunity to comment on all proposed undertakings in areas to which they claim cultural affinity, which includes areas outside of tribal lands. Further, the revised regulations clarified the role of the Advisory Council (AC), which should now be invited to join the consultation process only in instances in which the Recipient and the State Historic Preservation Officer (SHPO)/THPO fail to reach an agreement on ways to address the adverse effects of an undertaking/project.

The purpose of Section 106 is to identify potential conflicts between historic preservation needs and a Recipient's community development objectives. To resolve such conflicts in the public interest, consultation between the Recipient, SHPO, THPO, other tribal entities, and other interested parties is encouraged during all phases of the project. For guidance on modifying historic properties, two publications are available from SHPO: Standards for the Rehabilitation of Historic Structures and Guidelines for Rehabilitating Historic Buildings.

It is important to understand that the Section 106 Process does not require preservation in every case, nor does it give the SHPO, THPO, or AC veto power over a Recipient's actions. However, it does require input from and consultation with entities with expertise regarding historic properties. Thus, the Recipient's final decision should take into consideration historic values and options available to protect historic properties, and should balance the projected public benefit of the project against the public benefit of preservation. A Recipient's certifying officer cannot delegate the decision to approve a project in opposition to AC comments.

### **9.1 Definition of Historic Property**

Historic property is defined as: any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. It also includes artifacts, records and remains that are related to and located within such properties. The term "eligible for inclusion" in the NR includes properties formally determined as such by the Secretary of the Interior and all other properties that meet NR listing criteria.

### **9.2 Major Steps**

If the project will impact on historic properties, the following steps are required:

1. Define the Area of Potential Effect (APE) (usually the project's service area).
2. Consult with the SHPO, relevant tribes (see Section 9.4 for determining when to consult with tribes), local historic preservation societies, and other appropriate organizations, individuals and entities to determine if there are any historic properties that may be affected by the project or any properties that may be on or eligible for inclusion on the NR. The SHPO, THPO or other tribal entity must be allowed 35 days to comment on the proposed activity if the Recipient has determined that a property on or eligible for the NR will be affected.

PLEASE NOTE: ADOH has received a concurrence from SHPO dated June 10, 2013 that Pre-1974 Mobile Homes that will undergo housing rehabilitation or replacement do not require SHPO consultation. A Copy of this concurrence (Form E-10a.3) can be found in Chapter 14 of this handbook.

3. Evaluate the information gathered to determine whether any NR or NR eligible properties exist. If the SHPO, THPO, other relevant tribes, and the Recipient agree that there are no such properties the review is complete.  
IF NO AGREEMENT, NOTIFY ADOH IMMEDIATELY AND PROCEED TO #4.
4. If the SHPO, THPO, relevant tribe and the Recipient do not agree on the NR status, the Recipient may seek a formal determination of eligibility from the Secretary of the Interior through the National Park Service (NPS). If the NPS determines there are no eligible properties, the review is complete. However, if the NPS determines there are eligible properties, then additional consultation is required.
5. If the property is determined to be eligible, then there must be a determination as to the effect of the project. There are two items to consider: 1) will there be an effect; and 2) if yes, will it be an adverse effect? In all instances, the SHPO, THPO, relevant tribes when appropriate, and the AC must be consulted and allowed adequate time to respond as specified in the regulations.
6. When an adverse effect has been determined, a Memorandum of Agreement will be executed between the Recipient, the SHPO and, if necessary, the AC and/or relevant tribe.

### **9.3 Definitions of Effect and Adverse Effect**

#### **9.3.1 Effect**

- a. There is an effect whenever any condition of the project causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological or cultural characteristics that qualify the property to meet the criteria of the National Register.
- b. There is an effect when an undertaking changes the integrity of location, design, setting, materials, quality of work or work product, feeling, or association of the property that contributes to its significance in accordance with the NR criteria.
- c. Direct effects include those caused by the project and occur at the same time and place. Indirect effects include those caused by the project that are later in time or farther removed in distance, but are still reasonably foreseeable, such as changes in the pattern of land use, population density or growth rate that may affect properties of historical, architectural, archeological or cultural significance.

#### **9.3.2 Adverse Effect**

- a. Destruction, damage, or alteration of all or part of the property.
- b. Alteration of a property that is not consistent with applicable SHPO guidelines.
- c. Removal of the property from its historic location.
- d. Change of the property's use or of physical features within the property's setting that contribute to its historic significance.
- e. Introductions of visual, audible, or atmospheric elements that are out of character with the property or may alter its setting.
- f. Neglect of a property that may result in its deterioration or destruction.

- g. Transfer, lease, or sale of the property without adequate conditions or restrictions regarding preservation, maintenance or use.

#### 9.4 When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

1. **significant ground disturbance (digging)**  
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
2. **new construction in undeveloped natural areas**  
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
3. **incongruent visual changes**  
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or view shed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
4. **incongruent audible changes**  
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
5. **incongruent atmospheric changes**  
Examples: introduction of lights that create sky glow in an area with a dark night sky
6. **work on a building with significant tribal association**  
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
7. **transfer, lease or sale of a historic property of religious and cultural significance**  
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

## **10. TRIBAL CONSULTATION GUIDANCE**

If a HUD-assisted project may affect historic properties of significance, Responsible Entities (RE) must consult with federally-recognized tribes to evaluate potential project impacts, and avoid, minimize or mitigate adverse impacts. If the project site is on tribal land and the tribe is a Tribal Historic Preservation Offices (THPOs) consultation with SHPO is not necessary. If the tribe is not a THPO consultation with the tribe and SHPO is necessary. The Tribal Directory Assessment Tool (TDAT) was designed to help users quickly identify tribes and provide appropriate tribal contact information to assist with initiating Section 106 consultation. The following website contains the TDAT: <http://egis.hud.gov/tdat/Tribal.aspx>

Further guidance on tribal consultation can be obtained from Notice CPD-12-006 and the following website: [http://portal.hud.gov/hudportal/documents/huddoc?id=env\\_notice\\_tribe\\_con.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=env_notice_tribe_con.pdf)

The Following tribes are Tribal Historic Preservation Offices (THPOs) and have assumed consultation responsibility from the Arizona State Historic Preservation Office (SHPO).

### **Gila River Indian Community**

PO Box 2140  
Sacaton, AZ 85147

### **Hualapai Tribe**

Department of Cultural Resources  
PO Box 310  
Peach Springs, AZ 86434

### **The Navajo Nation**

Historic Preservation  
PO Box 4950  
Window Rock, AZ 86515

### **San Carlos Apache Tribe**

Historic Preservation and Arch Department  
PO Box 0  
San Carlos, AZ 85550

### **Tohono Nation**

PO Box 837  
Sells, AZ 85634

### **White Mountain Apache Tribe**

Historic Preservation Office Program  
PO Box 507  
Fort Apache, AZ 85926

## **11. RELEASE OF FUNDS**

### **11.1 Obligation of Funds and Release of Funds (ROF)**

Recipients may obligate or expend project funds on the following without an Authority to use Grant Funds:

1. Administration
2. Engineering
3. Architectural Services
4. Appraisals and similar actions

In all other instances, the ERR must be completed before the Recipient can request the release of funds and before it can obligate or expend any federal or private funds. ADOH funds obligated or expended on non-exempt activities will be disallowed.

A Request for Release of Funds and Certification (E-12) can only be approved 15 calendar days after ADOH receives the RROF or 15 days from the time specified in the published notice, whichever is later. An affidavit of publication for published notices must accompany the RROF. The Recipient cannot submit a RROF and Certification before the date in the notice; and submission significantly after that date will delay ADOH approval due to the 15-day waiting period.

### **11.2 Objection Period**

Any person or agency may object to a Request for Release of Funds and Certification. However, the objections must meet the conditions and procedures set forth in this section and all decisions by ADOH shall be final. All objections must be received by ADOH within 15 days from the time ADOH receives a Recipient's Request for Release of Funds and Certification, or within the time period specified in the notice, whichever is later.

### **11.3 Bases for Objections**

ADOH will disapprove a RROF and Certification for the following reasons:

1. The Recipient's Certifying Officer did not in fact execute the certification.
2. The Recipient failed to make a finding that the project had either a significant impact or no significant impact.
3. The Recipient omitted one or more steps in the preparation and completion of an ERR.
4. No opportunity was given to the Advisory Council on Historic Preservation to review the effect of the project on a property listed in the National Register of Historic Places (or found to be eligible for such listing by the Secretary of the Interior).
5. The environmental circumstances or the project itself has changed and the Recipient failed to include the written decision required in the ERR or its decision is not supported by facts specified by the objecting party.
6. Another federal or state agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

### **11.4 Objections Procedure**

A person or agency objecting to a Request for Release of Funds and Certification shall:

1. Submit objections in writing to ADOH.
2. Include the name, address and telephone number of the person or agency submitting the objections. The objections should be signed and dated by the person or authorized official of an agency.
3. Describe the basis for the objections and the facts or legal authority supporting the objections.
4. State when a copy of the objections were mailed or delivered to the recipient's Certifying Officer.

### **11.5 ADOH Actions**

When ADOH receives objections meeting the requirements previously outlined, staff will notify the Recipient in writing that funds will not be released until the objections have been resolved as determined by ADOH. The Recipient may then respond to these objections in writing within a specified time period.

If the Recipient submits a timely response, ADOH will review it and issue a written determination. A copy of the decision shall be mailed to the Recipient and to the person or agency submitting the objections. If ADOH finds the objections to be invalid, the Release of Funds will be mailed to the Recipient and will be retroactive to the original date.

If the Recipient does not respond within the time period specified, or if ADOH determines that the response does not adequately address the objections, ADOH shall notify the Recipient (in writing) that no funds for the project will be released until:

1. A response is received and ADOH determines that it adequately addresses the objections; or
2. The Recipient takes appropriate measures to redress the objections, (e.g., insures that the Certifying Officer executes the certification, completes all the steps in the Environmental Assessment, or provides an opportunity for the Advisory Council on Historic Preservation to comment on a project listed).

When ADOH receives documentation that the Recipient has taken the appropriate steps to address the objections, ADOH will issue a new determination and shall issue a Release of Funds (ROF). Copies of all correspondence shall also be mailed to the person or agency filing the objection.

The decision of ADOH regarding objections is final. Persons and agencies seeking redress in relation to environmental reviews covered by an approved certification (i.e., a project that has received an ROF from ADOH) shall contact the Recipient directly. ADOH will refer inquiries and complaints to the Recipient and its Certifying Officer.

## 12. CHECKLISTS

### E-CK.1 Checklist For Exempt Projects (includes Categorically Excluded Projects considered Exempt per 24 CFR Part 58.35(b))



**E-CK.1 CHECKLIST FOR EXEMPT PROJECTS**

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for EXEMPT PROJECTS**

(Includes CATEGORICALLY EXCLUDED projects considered exempt per 24 CFR Part 58.35 (b))

Complete this form **only** if an entire project is exempt, e.g. planning. In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file.

Date Completed	Item
_____	Form E-CO: Certifying Officer Designation Form; or
_____	Form E-CO.1: Compliance Officer Designation Form (For Non-Profits Only)
_____	Form E-1: Project Narrative
_____	Form E-2: Documentation of Exemption
_____	Form E-3: Level of Environmental Review
_____	Form E-3.1: Determination Form

Note: The Recipient does not need to publish any notices or submit a Request for Release of Funds and Certification (E-12) to State of Arizona Department of Housing (ADOH). ADOH will not issue an E-13 Authority to Use Grant Funds but will send correspondence to the Recipient upon approval of the Exempt ERR documentation allowing the recipient to begin work on the project.

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**E-CK.2 Checklist for Categorically Excluded Projects**



**E-CK.2 CHECKLIST FOR CATEGORICALLY EXCLUDED PROJECTS**

ADOH Contract No.: \_\_\_\_\_ Activity No. \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for CATEGORICALLY EXCLUDED PROJECTS  
(includes those Downgraded to Exempt)**

In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file. If an item is not applicable, indicate with N/A.

<u>Date Completed</u>	<u>Item</u>	<u>Date Completed</u>	<u>Item</u>
_____	Form E-CO: Certifying Officer Designation	_____	Form E-9: Administrative Record (if applicable)
_____	Form E-CO.1: Compliance Officer Designation (For Non-Profits Only)	_____	Form E-DD: Date Determination
_____	Map of Project Location	_____	Form E-P.2 (Draft of NOI/RROF) or Form E-P.3 (Draft of NOI/RROF and Notice of Decision Regarding Project to be Located in Wetlands) and copy of ERR (all previous items listed including back up documentation) sent to ADOH for approval
_____	Floodplain Map w/ project location clearly identified on map	_____	ADOH approval received
_____	Form E-1: Project Narrative	_____	Documentation that E-P.1 and E-P.2/3 mailed to federal, state or local agencies and organizations and individuals known to be interested in the project.
_____	Form E-3: Level of Environmental Review	_____	Publish E-P.2 or E-P.3 in local newspaper
_____	Form E-3.1: Determination Form	_____	Affidavit of Publication received
_____	Form E-4: Statutory Worksheet	_____	Form E-12 (Request for Release of Funds and Certification) <i>with original signature</i> , copies of E-P.2 or E-P.3 publication and affidavit mailed to ADOH.
_____	Form E-8: Notice of Intent to Clear Land (if applicable)	_____	Form E-13: Authority to Use Grant Funds (issued by ADOH or HUD)
_____	Form E-10: Letters mailed as required by Form E-4		
_____	Responses received to letters mailed as required by Form E-4.		
	(As required by A.R.S. §41-865, if village ruins or burial grounds are thought to exist at the project site or if such are identified by the SHPO/THPO, contact the Arizona State Museum, 520/621-6302.)		
_____	If project now downgraded to Exempt, complete Form E-2 and submit all items listed above to ADOH.		
_____	Form E-P.1: Floodplains/Wetlands Notice published (if applicable)		
_____	Affidavit of Publication received		

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**E-CK.3 Checklist for Environmental Assessment Projects**



**E-CK.3 CHECKLIST FOR ENVIRONMENTAL ASSESSMENT PROJECTS**

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist ENVIRONMENTAL ASSESSMENT PROJECTS**

In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file. If an item is not applicable, indicate with N/A.

<b>Date Completed</b>	<b>Item</b>	<b>Date Completed</b>	<b>Item</b>
_____	Form E-CO: Certifying Officer Designation	_____	Form E-P.1: Floodplains/Wetlands Notice published (if applicable)
_____	Form E-CO.1: Compliance Officer Designation (for Non-Profits Only)	_____	Affidavit of Publication received
_____	Map of Project Location	_____	Form E-9: Administrative Record (if applicable)
_____	Floodplain Map with project location clearly identified on map	_____	Form E-DD.1: Date Determination
_____	Form E-1: Project Narrative	_____	Draft of Form E-P.4 or E-P.5 (Concurrent Notice), and copy of ERR (all previously items listed including backup documentation) sent to ADOH for approval.
_____	Form E-3: Level of Environmental Review	_____	ADOH approval received
_____	Form E-3.1: Determination Form	_____	Documentation that E-P.4/5 mailed to EPA and other federal, state or local agencies and organizations and individuals known to be interested in the project
_____	Form E-11 (all pages) Environmental Assessment Checklist (NOTE: if Recipient determines a Finding of Significant Impact (project may affect quality of human environment) CONTACT ADOH IMMEDIATELY FOR ENVIRONMENTAL IMPACT STUDY GUIDANCE).	_____	Publish E-P.4 or E-P.5 in local newspaper
_____	Form E-8: Notice of Intent to Clear Land (if applicable)	_____	Affidavit of Publication received
_____	Form E-10: Letters mailed as required by Form E-11	_____	Form E-12 (RROF and Certification) with original signature, copies of E-P.4 or E-P.5 publication and affidavit mailed to ADOH.
_____	Responses Received to letters mailed as required by Form E-11.	_____	Form E-13: Authority to Use Grant Funds (issued by ADOH or HUD)

(As required by A.R.S. §41-865, if village ruins or burial grounds are thought to exist at the project site or if such are identified by the SHPO/THPO, contact the Arizona State Museum, 520/621-6302.)

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**E-CK.4 Checklist for Housing Rehabilitation Projects (Non Floodplain)**



**E-CK.4 CHECKLIST FOR HOUSING REHABILITATION PROJECTS (NON FLOODPLAIN)**

*(For Housing Rehab programs consisting of only reconstruction of units: do not complete the E-CK.4 or E-CK.5. Instead see E-CK.7*

*Reconstruction Non Floodplain or E-CK-8 Reconstruction in Floodplain. For Housing Rehab Programs with both rehab and reconstruction you will complete the E-CK.4 or E-CK.5 for the rehab units and either an E-CK.7 or E-CK.8 for each reconstruction unit)*

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for HOUSING REHABILITATION PROJECTS  
(not located in a floodplain/wetlands)**

In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file. If an item is not applicable, indicate with N/A

<b>Date Completed</b>	<b>Item</b>	<b>Date Completed</b>	<b>Item</b>
_____	E-CO: Certifying Officer Designation	_____	ADOH approval received
_____	E-CO.1: Compliance Officer Designation (For Non-Profits Only)	_____	Publish E-P.6 in local Newspaper
_____	Map of Project Location	_____	Affidavit of Publication received
_____	Floodplain Map with project location clearly marked Note: If project is determined to be in a floodplain/wetland, use the Checklist for Housing Rehabilitation Floodplain/Wetlands, Form E-CK.5	_____	Form E-12 (Request for Release of Funds and Certification) <i>with original signature</i> , copies of E-P.6 publication and affidavit mailed to ADOH.
_____	Form E-1: Project Narrative	_____	Form E-13: Authority to Use Grant Funds (issued by ADOH or HUD)
_____	Form E-3: Level of Environmental Rev.	_____	E-HR.2 Appendix A for each individual assisted unit (must be completed prior to construction)
_____	Form E-HR.1: Rehabilitation Environmental Review (if project is determined to be in floodplain/wetlands, use Checklist for Housing Rehabilitation - Floodplain/Wetlands, Form E-CK.5)		<b>NOTE:</b> If your Housing Rehab program also includes reconstruction of units you must complete additional documentation. See E-CK.7 Reconstruction Non Floodplain or E-CK-8 Reconstruction in Floodplain.
_____	Form E-DD: Date Determination		
_____	Form E-P.6 (Draft of NOI/RRF) and copy of ERR (all items listed above including back up documentation) sent to ADOH for approval		

REV. 10-2014

**E-CK.5 Checklist for Housing Rehabilitation Projects in Floodplain**



**E-CK.5 CHECKLIST FOR HOUSING REHABILITATION PROJECTS IN FLOODPLAIN**

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for HOUSING REHABILITATION PROJECTS  
Located in a Floodplain/Wetlands**

In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file. If an item is not applicable, indicate with N/A.

<u>Date Completed</u>	<u>Item</u>	<u>Date Completed</u>	<u>Item</u>
_____	Form E-CO: Certifying Officer Designation	_____	Approval received for publication of E-P.3 (draft NOI/RROF)
_____	Form E-CO.1: Compliance Officer Designation (For Non Profits Only)	_____	Documentation that E-P.3 mailed to federal, state or local agencies and organizations and individuals known to be interested in the project.
_____	Map of Project Location	_____	Form E-P.3 (NOI/RROF) published
_____	Floodplain Map	_____	Affidavit of E-P.3 Publication received
_____	Form E-1: Project Narrative	_____	Copy of E-P.3 (NOI/RROF), affidavit of publication and E-12 (RROF & CERT) <i>with original signature</i> submitted to ADOH
_____	Form E-3: Level of Environmental Review	_____	Form E-13: Authority to Use Grant Funds (issued by ADOH or HUD)
_____	Form E-HR.1: Housing Rehabilitation Environmental Review	_____	Form E-HR.2 Appendix A for each individual assisted unit (must be completed prior to construction)
_____	Form E-9: Administrative Record (Exec. Order 11988)		
_____	Form E-P.1: Floodplain/Wetlands Notice published		
_____	Affidavit of E-P.1 Publication received		
_____	Form E-DD: Date Determination		
_____	Copies of ERR (all items listed above including back up documentation) and draft of Form E-P.3 mailed to ADOH Program for approval		

REV. 3-2013

**E-CK.6 Checklist for Re-evaluation of Environmental Assessment**



**E-CK.6 CHECKLIST FOR RE-EVALUATION OF ENVIRONMENTAL ASSESSMENT**

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for RE-EVALUATION OF EA PROJECTS**

Complete this form *only* if requesting a re-evaluation of an existing Environmental Assessment with an Authority to Use Grant Funds. In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file.

Date Completed	Item
_____	Form E-CO: Certifying Officer Designation Form; or
_____	Form E-CO.1: Compliance Officer Designation Form (For Non-Profits Only)
_____	Form E-1: Project Narrative (A copy of the original)
_____	Form E-11: Environmental Assessment Checklist (A copy of the original)**
_____	Form E-13: Authority to Use Grant Funds (A copy of the original)
_____	Form E-14: Re-evaluation of ERR: Signed original.

**\*\*PLEASE NOTE:** If the Re-evaluation is for an approved Environmental Assessment Review with an E-13 Authority to Use Grant Funds issued prior to October 2014, you will need to submit a copy of the original E-4 Statutory Worksheet in addition to the above required forms with your Re-evaluation request.

REV. 9-2014

**E-CK.7 Checklist for Housing Reconstruction Only Projects (Non Floodplain)**



**E-CK.7 CHECKLIST FOR HOUSING RECONSTRUCTION ONLY PROJECTS (NON FLOODPLAIN)**

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for HOUSING RECONSTRUCTION PROJECTS  
(NOT located in a floodplain/wetlands)**

In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file. If an item is not applicable, indicate with N/A

<b>Date Completed</b>	<b>Item</b>	<b>Date Completed</b>	<b>Item</b>
_____	E-CO: Certifying Officer Designation	_____	Form E-P.2 (Draft of NOI/RROF) and copy of ERR (all items listed above including back up documentation) sent to ADOH for approval
_____	E-CO.1: Compliance Officer Designation (For Non-Profits Only)	_____	ADOH approval received
_____	Map of Project Location	_____	Publish E-P.2 in local Newspaper
_____	Floodplain Map with project location clearly marked Note: If project is determined to be in a floodplain/wetland, use the Checklist for Housing Reconstruction only Projects - Floodplain/Wetlands, Form E-CK.8	_____	Affidavit of Publication received
_____	Form E-1: Project Narrative	_____	Form E-12 (Request for Release of Funds and Certification) <i>with original signature</i> , copies of E-P.2 publication and affidavit mailed to ADOH.
_____	Form E-3: Level of Environmental Rev.	_____	Form E-13: Authority to Use Grant Funds (issued by ADOH or HUD)
_____	Form E-3.1 Determination Form		
_____	Form E-4a: Statutory Worksheet - Reconstruction (one for each unit being reconstructed)		
<p>Note: if not in floodplain &amp; no mitigation actions required (All box A's checked), Project downgrades to EXEMPT. Skip Publication, E-12 &amp; E-13. Send all completed Docs to ADOH. Complete and Submit an E-2 Documentation of Exemption Form</p>			
_____	Form E-DD: Date Determination		

REV. 10-2014

**E-CK.8 Checklist for Housing Reconstruction Only Projects in Floodplain**



**E-CK.8 CHECKLIST FOR HOUSING RECONSTRUCTION ONLY PROJECTS IN FLOODPLAIN**

ADOH Contract No.: \_\_\_\_\_ Activity No.: \_\_\_\_\_

**ENVIRONMENTAL REVIEW RECORD  
Checklist for HOUSING RECONSTRUCTION ONLY PROJECTS  
Located in a Floodplain/Wetlands**

In addition to the forms/documents listed, any additional ERR-related documents and correspondence should be included in this file. If an item is not applicable, indicate with N/A.

<u>Date Completed</u>	<u>Item</u>	<u>Date Completed</u>	<u>Item</u>
_____	Form E-CO: Certifying Officer Designation	_____	Copies of ERR (all items listed above including back up documentation) and draft of Form E-P.3 mailed to ADOH Program for approval
_____	Form E-CO.1: Compliance Officer Designation (For Non Profits Only)	_____	Approval received for publication of E-P.3 (draft NOI/RROF)
_____	Map of Project Location	_____	Documentation that E-P.3 mailed to federal, state or local agencies and organizations and individuals known to be interested in the project.
_____	Floodplain Map	_____	Form E-P.3 (NOI/RROF) published
_____	Form E-1: Project Narrative	_____	Affidavit of E-P.3 Publication received
_____	Form E-3: Level of Environmental Review	_____	Copy of E-P.3 (NOI/RROF), affidavit of publication and E-12 (RROF & CERT) <i>with original signature</i> submitted to ADOH
_____	Form E-3.1 Determination Form	_____	Form E-13: Authority to Use Grant Funds (issued by ADOH or HUD)
_____	Form E-4a: Statutory Worksheet – Reconstruction (one for each unit being reconstructed)		
_____	Form E-9: Administrative Record (Exec. Order 11988)		
_____	Form E-P.1: Floodplain/Wetlands Notice published		
_____	Affidavit of E-P.1 Publication received		
_____	Form E-DD: Date Determination		

REV. 12-2013

### 13. PUBLIC NOTICES

#### E-P.1 - Notice of Proposed Project to be Located In (Or That Will Impact On) A Floodplain or Wetlands

*Publish for ALL projects located in floodplain/wetlands*

**PRIOR NOTICE**

**E-P.1 - NOTICE OF PROPOSED PROJECT TO BE LOCATED IN (OR THAT WILL IMPACT ON) A FLOODPLAIN OR WETLANDS**

**Date of Publication:** [insert date]

The [name of recipient] is proposing to conduct a [project description i.e. sewer system improvements, rehabilitation of Sr. Center, Construction of Housing] to be funded with [funding source i.e. CDBG or HOME etc] funds received through the Arizona Department of Housing (ADOH).

The [name of Responsible Entity] has determined that this proposed project [insert either 'lies in' or 'will impact'] a floodplain/wetlands and thus is publishing this notice in compliance with Executive Orders 11988 or 11990 and the Floodplain Management Wetlands Protection Guidelines adopted by the Water Resources Council.

This proposed project is located [describe with address or by identifying streets, significant buildings, natural features etc.], will consist of [e.g., type of construction, length of pipe, etc.], and will involve [insert the number of acres] acres of floodplain.

The [name of Responsible Entity] has additional information available on this project, which can be reviewed at [Responsible Entity Address and Room number] which is handicapped accessible or persons with special accessibility needs may contact [name and contact number and TDD]. Interested persons can also call [name of staff person] at [telephone number and TDD]for additional information about this proposed project. The [Name of Responsible Entity] is now considering potential alternative sites, potential flood impact on the proposed project, and potential mitigation to minimize flood hazard or wetlands impact.

Written comments on this proposed project are invited and should be submitted by [insert date - must be a minimum of 15 days from date of publication] to [contact name and address]. All such comments will be taken into account by the [name of Responsible Entity] prior to its decision on the proposed project.

Name and Address of Local Government or ADOH Certifying Officer:

Signature of Certifying Officer \_\_\_\_\_

REV. 3-2013

**E-P1 - SAMPLE**

*Publish for ALL projects located in floodplain/wetlands*

**PRIOR NOTICE**

**E-P.1 - NOTICE OF PROPOSED PROJECT TO BE LOCATED IN (OR THAT WILL IMPACT ON) A  
FLOODPLAIN OR WETLANDS**

**Date of Publication: January 1, 2020**

The City of Mayberry is proposing to conduct a project to construct Hope Transitional Housing to be funded with approximately \$300,000 in FY 2020 Community Development Block Grant Funds (CDBG) funds received through the Arizona Department of Housing (ADOH).

The City of Mayberry has determined that this proposed project that lies in a floodplain/wetlands and thus is publishing this notice in compliance with Executive Orders 11988 or 11990 and the Floodplain Management Wetlands Protection Guidelines adopted by the Water Resources Council.

This proposed project is located at between 3201 and 3401 W. Street in the City of Mayberry, will consist of the acquisition of two parcels of land and construction of three buildings. The total project will consist of five units, and will involve 1 acres of floodplain.

The City of Mayberry has additional information available on this project, which can be reviewed at City Hall, 100 Broadway Rd., Mayberry, Arizona 85555 which is handicapped accessible or persons with special accessibility needs may contact John Smith at 520-555-5555. Interested persons can also call Jane Doe at 505-555-0000 or TDD 520-444-4444 for additional information about this proposed project. The City of Mayberry is now considering potential alternative sites, potential flood impact on the proposed project, and potential mitigation to minimize flood hazard or wetlands impact.

Written comments on this proposed project are invited and should be submitted by January 16, 2020 to Jane Doe, City Manager City Hall, 100 Broadway Rd., Mayberry, Arizona 85555. All such comments will be taken into account by the City of Mayberry prior to its decision on the proposed project.

Name and Address of Local Government or ADOH Certifying Officer:

Jane Doe, City Manager, City Hall, 100 Broadway Rd., Mayberry, Arizona 85555

Signature of Certifying Officer \_\_\_\_\_

REV. 3-2013

## E-P.2 - Notice of Intent to Request Release of Funds

### E-P.2 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

[insert date of Notice]

Name of Responsible Entity [RE]: [insert name of Responsible Entity]

Address: [insert street number and name]

City, State, Zip Code: [insert city, state and zip]

Telephone Number of RE: [insert telephone number for Responsible Entity]

### REQUEST RELEASE OF FUNDS

On or about [insert date - must be at least one day after then end of the comment period] the [insert name of Responsible Entity] will [enter either "submit" or if the RE is not also the grant recipient - "authorize the (name of the grantee) to submit"] a request to the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] for the release of [insert name of funding source i.e., "CDBG" or "HOME" etc.] funds under [insert the Title/Section number for the funding source] of the [insert the name of the federal act] of [insert the date of the federal act], to undertake a project known as [insert name of project] for the purpose of: [insert a description of the nature/scope of the project and the project location]

An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at [insert name and address of the Responsible Entity office where the ERR can be examined and name and address of any other locations where the ERR is available for review] for review and may be examined or copied weekdays A.M to P.M.

### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the [insert name and address of the RE designated office responsible for receiving and responding to all ERR comments]. All comments received by [insert date - if published, date must be 7 days after (not including the) day of publication. If posted, the date must be 10 days after (not including the) day of posting] will be considered by the [insert name of Responsible Entity] prior to authorizing submission of a request for release of funds.

### ENVIRONMENTAL CERTIFICATION

The [insert name of Responsible Entity] certifies to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] that [insert name of Certifying Officer] in [insert "his" or "her"] capacity as [insert official title of Certifying Officer] consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]'s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the [insert name of grantee] to use Program funds.

Page 1 of 2  
REV. 3-2013

E-P.2 - Notice Of Intent To Request Release Of Funds *(continued)*

**OBJECTIONS TO RELEASE OF FUNDS**

[insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] will accept objections to the [insert name of RE] Request for Release of Funds and Environmental Certification for a period of fifteen days following the anticipated submission date specified above or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the [insert name of the Responsible Entity]; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the RE has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] at [insert address for ADOH or HUD, whichever applies]. Potential objectors should contact [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of Certifying Officer*  
[Name and Title of RE Certifying Officer]

**E-P.2 – SAMPLE (Local Government)**

**E-P.2 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

January 1, 2020

Name of Responsible Entity [RE]: City of Mayberry

Address: City Hall, 100 Broadway Rd.

City, State, Zip Code: Mayberry, Arizona, 85555

Telephone Number of RE: 520-555-5555

**REQUEST RELEASE OF FUNDS**

On or about January 9, 2020 the City of Mayberry will submit a request to the Arizona Department of Housing (ADOH) for the release of Community Development Block Grant Funds (CDBG) funds under Title I of the Housing and Community Development Act of 1974, to undertake a project known as Eastside Infrastructure V for the purpose of:

Reconstructing 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Streets from Elm Street to Grove Street including the replacement of obsolete water and sewer lines to be funded with approximately \$300,000 in FY 2020 CDBG funds.

An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at City Hall, 100 Broadway Rd., Mayberry, Arizona, 85555 for review and may be examined or copied weekdays 8 A.M to 5 P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the City of Mayberry, 100 Broadway Rd, Mayberry, Arizona, 85555. All comments received by January 8, 2020 will be considered by the City of Mayberry prior to authorizing submission of a request for release of funds.

**ENVIRONMENTAL CERTIFICATION**

The City of Mayberry certifies to ADOH that John Smith in his capacity as City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. ADOH's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Mayberry to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

ADOH will accept objections to the City of Mayberry's Request for Release of Funds and Environmental Certification for a period of fifteen days following the anticipated submission date specified above or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Mayberry; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the RE has omitted one or more steps in the

**E-P.2 – SAMPLE (Local Government) continued**

preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to ADOH at 1110 W. Washington, Suite 310, Phoenix, Arizona, 85007. Potential objectors should contact ADOH to verify the actual last day of the objection period.

---

*Signature of Certifying Officer*  
John Smith, City Manager

**E-P.2 - SAMPLE (Non-Profit)**

**E-P.2 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

January 1, 2020

Name of Responsible Entity [RE]: Arizona Department of Housing

Address: 1110 W. Washington, Suite 310

City, State, Zip Code: Phoenix, Arizona 85007

Telephone Number of RE: 602-771-1000

**REQUEST RELEASE OF FUNDS**

On or about January 9, 2020 the the Arizona Department of Housing (ADOH) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Home Investment Partnership Program (HOME) funds under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, to undertake a project known as Hope House for the purpose of: Acquiring a 4 unit multi-family development for rehabilitaiton and rent to very-low income seniors1 (30% AMI or below) to be funded with approximately \$300,000 in FY 2020 HOME funds.

An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at **ADOH, 1110 W. Washington, Suite 310, Phoenix, Arizona 85007** for review and may be examined or copied weekdays 8 A.M to 5 P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the ADOH, 1110 W. Washington, Suite 310, Phoenix, Arizona, 85007. All comments received by January 8, 2020 will be considered by the ADOH prior to authorizing submission of a request for release of funds.

**ENVIRONMENTAL CERTIFICATION**

The ADOH certifies to HUD that John Smith in his capacity as Deputy Director of ADOH consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Foundation for Better Living to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

*HUD* will accept objections to the ADOH's Request for Release of Funds and Environmental Certification for a period of fifteen days following the anticipated submission date specified above or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the ADOH; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the RE has omitted one or more steps in the

**E-P.2 – SAMPLE (Non-Profit) continued**

preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD at *One North Central Avenue, Suite 300, Phoenix, Arizona, 85004*. Potential objectors should contact HUD to verify the actual last day of the objection period.

---

*Signature of Certifying Officer*  
John Smith, Deputy Director ADOH

**E-P.3 - Notice of Intent to Request Release of Funds and Notice of Decision Regarding Project to be Located In (Or That Will Impact On) A Floodplain or Wetlands**

*Publication for CE Projects (floodplain/wetlands)*

**E-P.3 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND NOTICE OF DECISION REGARDING PROJECT TO BE LOCATED IN (OR THAT WILL IMPACT ON) A FLOODPLAIN OR WETLANDS**

[insert date of notice]

Name of Responsible Entity (RE) [insert name of Responsible Entity (RE)]

Address: [insert street name and number]

City, State, Zip Code: [insert city, state and zip code]

Telephone number of Preparer RE Agency [insert telephone number for RE]

**REQUEST FOR RELEASE OF FUNDS**

On or about [insert date - must be at least one day AFTER the end of the comment period]the [insert name of RE] will submit a request to the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] for the release of [insert name of funding source i.e., "CDBG" or "HOME" etc.] funds under [insert the Title/Section number for the funding source] of the [insert the name of the federal act] of [insert the date of the federal act], to undertake a project known as [insert name of project] for the purpose of: [insert a description of the nature/scope of the project and the project location]

Further, in order to comply with Executive Orders 11988 or 11990 and the Water Resources Council's Floodplain Management/Wetlands Protection Guidelines, the [insert name of RE] hereby states that this [insert name of project] lies within an identified floodplain or wetlands (or will impact on a floodplain or wetlands). However, the [insert name of RE] reached a decision that this is the only practicable alternative for this project. Its decision is based on an evaluation of the following alternative(s):  
[insert a list & description of all alternatives]

The [insert name of grantee] will, however, ensure that this project will conform to all state and/or local floodplain or wetlands protection standards, and will take the following actions to mitigate the flood hazard/impact on wetlands and to restore and preserve natural and beneficial values: [describe such actions or indicate that no such actions can be taken].

The activities proposed are Categorically Excluded under HUD Regulations at 24 CFR Part 58 from National Environmental Policy Act requirements. For owner occupied rehabilitation projects, pursuant to 24 CFR 58.15, a specific review of the following items will be conducted on each proposed structure to be rehabilitated prior to beginning construction, and mitigation or project denial will be implemented as necessary: Historic Preservation, Airport Clearzones, Explosive and Flammable Operations, Toxic/Hazardous Materials, Contamination, Chemicals or Gasses; and Lead Based Paint. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at [insert name and address of the Responsible Entity office where the ERR can be examined and name and address of any other locations where the ERR is available for review] and may be examined or copied weekdays A.M. to P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the [insert name of RE designated office responsible for receiving and responding to all comments]. All comments received by [insert date - if

**E-P.3 - Notice Of Intent To Request Release Of Funds And Notice Of Decision Regarding Project To Be Located In (Or That Will Impact On) A Floodplain Or Wetlands *(continued)***

published, date must be 7 days after (not including the) day of publication. If posted, the date must be 10 days after (not including the) day of posting] will be considered by the [insert name of RE] prior to authorizing submission of a request for release of funds.

**ENVIRONMENTAL CERTIFICATION**

The [insert name of Responsible Entity] certifies to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] that [insert name of Certifying Officer] in [insert "his" or "her"] capacity as [insert official title of Certifying Officer] consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]'s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the [insert name of grantee] to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

[insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] will consider objections to its release of funds and the [insert name of RE] certification received by [insert date - must be at least 15 days after submission date] or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the [insert name of RE]; (b) the [insert name of RE] has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] at [insert address for ADOH or HUD, whichever applies]. Potential objectors should contact the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of Certifying Officer*  
[Name and Title of Certifying Officer]

**E-P.3 – SAMPLE (Local Government)**

*Publication for CE Projects (floodplain/wetlands)*

**E-P.3 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND NOTICE OF DECISION  
REGARDING PROJECT TO BE LOCATED IN (OR THAT WILL IMPACT ON) A FLOODPLAIN OR  
WETLANDS**

January 1, 2020

Name of Responsible Entity (RE) City of Mayberry

Address: 100 Broadway Rd.

City, State, Zip Code: Mayberry, Arizona 85555

Telephone number of Preparer RE Agency 520-555-5555

**REQUEST FOR RELEASE OF FUNDS**

On or about January 9, 2020 the The City of Mayberry will submit a request to the Arizona Department of Housing (ADOH) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, to undertake a project known as Hope Transitional Housing for the purpose of: Acquiring two parcels of land and constructing three buildings using approximately \$300,000 in FY 2020 CDBG funds. Each building would consist of five units located between 3201 and 3401 W. Street. .

Further, in order to comply with Executive Orders 11988 or 11990 and the Water Resources Council's Floodplain Management/Wetlands Protection Guidelines, the City of Mayberry hereby states that this Hope Transitional Housing lies within an identified floodplain or wetlands (or will impact on a floodplain or wetlands). However, the City of Mayberry reached a decision that this is the only practicable alternative for this project. Its decision is based on an evaluation of the following alternative(s):

A. Locate the Project Within the Floodplain

1. Locate the project between 3201 and 3401 W Street

This site meets the requirements of the city's bond and does not displace residents. The project also meets the community's needs of 12 units. However, the project as originally proposed would cause damage to the floodplain and its natural functions by paving areas and obstructing flood zones. Additionally, constructing in a AE Zone would present challenges in building at a foot above the base flood elevation (BFE) and would endanger human life as well as local and federal investment. The cost of elevation and maintaining flood insurance for the building in AE Zone are impracticable.

2. Modify the project between 3201 and 3401 W Street

The proposal can be modified to include two, seven-unit buildings with one building moved completely out of special flood hazard areas and a second building partially in the A Zone but elevated in order to minimize adverse impacts to the floodplain, public safety, and public investment. Any development in the unmarked A Zone requires that an expert, using FEMA approved standards, makes a determination and acquires an elevation certificate which states the necessary base flood elevation.

3. Locate the project at 3405 Dunder Road

The city proposed developing this site six years ago but met stiff resistance from the community. Another site was then chosen for development. Last year the site was again reviewed. Stiff opposition again resurfaced. The review also showed a storm-water runoff problem and a significant amount of special flood hazard areas. These factors made the site prohibitively expensive for development.

**E-P.3 - SAMPLE (Local Government) *continued*****4. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)**

The city also considered applying for a LOMA but the elevation information certified by a Licensed Land Surveyor/Registered Professional Engineer indicated that the lowest adjacent grade (the lowest ground touching the structure) was not at or above the BFE.

A LOMR-F request was also considered but rejected due to a local policy forbidding fill in the floodplain due to the impact it may have on other property owners.

**B. Locate the Project Outside of the Floodplain****1. Locate the project at the Mount Vernon Avenue site**

The city had considered an alternative site at 1500 North Mount Vernon Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant amount of wetlands. The cost of the mitigating measures for these environmental impacts, as well as endangered species habitat, made the site prohibitively expensive to develop.

**2. Other sites considered**

Other sites were also considered within the city limits. All of the sites would have either displaced residents who were unwilling to sell or would have placed the project on sites encumbered by wetlands, steep slopes, soil contamination, or other more significant development constraints. A market analysis was performed and concluded no other sites were feasible for development.

**C. No Action or Alternative Actions that Serve the Same Purpose**

A no action alternative was considered and rejected because of a recent city study that found the area in dire need of affordable housing. It showed an increase in homeless families of 35% over the past three years with a concurrent increase in the number of families using homeless shelters more than once a year. The current level of services and facilities in Mayberry does not equip the city to help the homeless seeking assistance.

The emergency shelters currently housing families are for emergency use and not designed to meet the needs of homeless families with children. They are intended only for overnight use and do not provide the stability required for a family to function or the specialized services to help bring about independent family living.

The proposed project would provide the housing needed along with space for supportive services with the goal of enabling the families to become independent within a 24 month period.

The City of Mayberry will, however, ensure that this project will conform to all state and/or local floodplain or wetlands protection standards, and will take the following actions to mitigate the flood hazard/impact on wetlands and to restore and preserve natural and beneficial values: 1. Elevate buildings such that the finished floor is x feet above the elevation of A Zone as indicated on FIRM Map Pane 16 of 70 no. 5301260026R; 2: Modify building structures in accordance with Section 44.44 of the Mayberry Floodplain Ordinance; and 3) require flood insurance for all proposed improvements.

The activities proposed are Categorically Excluded under HUD Regulations at 24 CFR Part 58 from National Environmental Policy Act requirements. For owner occupied rehabilitation projects, pursuant to 24 CFR 58.15, a specific review of the following items will be conducted on each proposed structure to be rehabilitated prior to beginning construction, and mitigation or project denial will be implemented as necessary: Historic Preservation, Airport Clearzones, Explosive and Flammable Operations, Toxic/Hazardous Materials, Contamination, Chemicals or Gasses; and Lead Based Paint. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at **the City of Mayberry**, 100 Broadway Rd, Anytown, Arizona, 85555 and may be examined or copied weekdays 8 A.M. to 5 P.M.

E-P.3 – SAMPLE (Local Government) *continued*

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the City of Mayberry. All comments received by January 8, 2020 will be considered by the City of Mayberry prior to authorizing submission of a request for release of funds.

**ENVIRONMENTAL CERTIFICATION**

The City of Mayberry certifies to ADOH that Jane Doe in her capacity as City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. ADOH's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Mayberry to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

ADOH will consider objections to its release of funds and the City of Mayberry's certification received by January 25, 2020 or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Mayberry ; ( b) the City of Mayberry has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by ADOH; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to ADOH at *1110 W. Washington, Suite 310, Phoenix, Arizona 85555*. Potential objectors should contact the ADOH to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of Certifying Officer*  
Jane Doe, City Manager

**E-P.4 - Combined Notice Of Finding of No Significant Impact And Intent To Request Release of Funds**

**E-P.4 - COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS**

[insert date of notice]

Name of Responsible Entity [RE]: [insert name of Responsible Entity]

Address: [insert street number and name]

City, State, Zip Code: [insert city, state and zip]

Telephone Number of RE: [insert telephone number for Responsible Entity]

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the [insert name of Responsible Entity]

**REQUEST FOR RELEASE OF FUNDS**

On or about [insert date - must be at least one day after then end of the comment period] the [insert name of Responsible Entity] will [enter either "submit" or if the RE is not also the grant recipient - "authorize the (name of the grantee) to submit"] a request to the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] for the release of [insert name of funding source i.e., "CDBG" or "HOME" etc.] funds under [insert the Title/Section number for the funding source] of the [insert the name of the federal act] of [insert the date of the federal act], to undertake a project known as [insert name of project] for the purpose of:  
[insert a description of the nature/scope of the project and the project location]

**FINDING OF NO SIGNIFICANT IMPACT**

The [insert name of RE] has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at [insert name and address of the Responsible Entity office where the ERR can be examined and name and address of any other locations where the ERR is available for review] and may be examined or copied weekdays A.M. to P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to [insert name and address of the RE designated office responsible for receiving and responding to all ERR comments]. All comments received by [insert date - if published, date must be 15 days after (not including the) day of publication. If posted, the date must be 18 days after (not including the) day of posting] will be considered by the [insert name of Responsible Entity] prior to authorizing submission of a request for release of funds.

**E-P.4 - Combined Notice Of Finding of No Significant Impact And Intent To Request Release of Funds (continued)**

**ENVIRONMENTAL CERTIFICATION**

The [insert name of Responsible Entity] certifies to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] that [insert name of Certifying Officer] in [insert "his" or "her"] capacity as [insert official title of Certifying Officer] consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]'s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the [insert name of grantee] to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

[insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] will accept objections to the [inset name of RE] Request for Release of Funds and Environmental Certification for a period of fifteen days following the submission date specified above or the actual receipt of the request (whichever is later) only if they are on the following bases: a) the certification was not executed by the Certifying Officer of the [insert name of RE]; b) the RE has omitted a step or failed to make a determination or finding required by HUD regulations at 24 CFR part 58 or be CEQ regulations at 40 CFR 1500-1508, as applicable; c) the RE has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] at [insert address for ADOH or HUD, whichever applies]. Potential objectors should contact [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of Certifying Officer*  
[Name and Title of RE Certifying Officer]

**E-P.4 – SAMPLE (Local Government)**

**E-P.4 - COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS**

January 1, 2020

Name of Responsible Entity [RE]: Town of X

Address: Town Hall, 100 Broadway Rd.

City, State, Zip Code: Town of X, Arizona 85555

Telephone Number of RE: 520-555-5555

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Town of X

**REQUEST FOR RELEASE OF FUNDS**

On or about January 17, 2020 the Town of X will submit a request to the Arizona Department of Housing (ADOH) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, to undertake a project known as Downtown Infrastructure II for the purpose of:

**Conducting the following work:** Reconstructing 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Streets from Elm St. to Grove St, installing new water sewer and drainage infrastructure along in the Elm Street Wash and constructing a retention basin at Elm Street and Maple Street using approximately \$300,000 in FY 2020 CDBG funds.

**FINDING OF NO SIGNIFICANT IMPACT**

The Town of X has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at **Town Hall, 100 Broadway Rd., Town of X, Arizona, 85555** and may be examined or copied weekdays 8 A.M. to 5 P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Town Hall, 100 Broadway Rd., Town of X, Arizona 85555. All comments received by January 16, 2020 will be considered by the Town of X prior to authorizing submission of a request for release of funds.

E-P.4 – SAMPLE (Local Government) *continued*

**ENVIRONMENTAL CERTIFICATION**

The Town of X certifies to ADOH that John Smith in his capacity as City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. ADOH's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Town of X to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

ADOH will accept objections to the Town of X's Request for Release of Funds and Environmental Certification for a period of fifteen days following the submission date specified above or the actual receipt of the request (whichever is later) only if they are on the following bases: a) the certification was not executed by the Certifying Officer of the Town of X; b) the RE has omitted a step or failed to make a determination or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; c) the RE has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to ADOH at 1110 W, Washington Suite 310, Phoenix, Arizona 85007. Potential objectors should contact ADOH to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of Certifying Officer*  
John Smith, City Manager

**E-P.5 - Combined Notice Of Finding Of No Significant Impact And Intent To Request Release Of Funds**

*Publication for EA Projects (floodplain/wetlands)*

**E-P.5 - FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS**

**NOTICE OF DECISION REGARDING PROJECT TO BE LOCATED IN (OR THAT WILL IMPACT ON) A FLOODPLAIN OR WETLANDS**

[insert date of Notice]

Name of Responsible Entity [RE] [insert name of Responsible Entity (RE)]

Address: [insert street number and name]

City, State, Zip Code [insert city, state, zip code]

Telephone Number of Responsible Entity Preparer Agency [insert telephone number for RE]

This Notice shall satisfy the above-cited two separate but related procedural notification requirements for activities to be undertaken by the [insert name of RE].

**REQUEST FOR RELEASE OF FUNDS**

On or about [insert date - must be at least one day after end of the comment period] the [insert name of RE] will [enter either "submit" or if the RE is not also the grant recipient - "authorize the (name of the grantee) to submit"] a request to the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] for the release of [insert name of funding source i.e., "CDBG" or "HOME" etc.] funds under [insert the Title/Section number for the funding source] of the [insert the name of the federal act] of [insert the date of the federal act], as amended, to undertake a project known as [insert name of project], for the purpose of:  
[insert a description of the nature/scope of the project and the project location]

Further, in order to comply with Executive Orders 11988 or 11990 and the Water Resources Council's Floodplain Management/Wetlands Protection Guidelines, the [insert name of RE] hereby states that this [insert name of project] lies within an identified floodplain or wetlands or will impact on a floodplain or wetlands. However, the [insert name of RE] reached a decision that this is the only practicable alternative for this project.

Its decision is based on an evaluation of the following alternatives: [insert list & description of all alternatives].

The [insert name of applicant] will however, ensure that this project will conform to all state and/or local floodplain or wetlands protection standards, and will take the following actions to mitigate the flood hazard/impact on wetlands and to restore and preserve natural and beneficial values: [describe such actions or indicate that no such actions can be taken]

**E-P.5 - Combined Notice Of Finding Of No Significant Impact And Intent To Request Release Of Funds (continued)**

**FINDING OF NO SIGNIFICANT IMPACT**

The [insert name of RE] has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 NEPA is not required. Additional project information is contained in the Environmental Review Record ERR on file at [insert name and address of the Responsible Entity office where the ERR can be examined and name and address of any other locations where the ERR is available for review] and may be examined or copied weekdays A.M. to P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the [insert name and address of the RE designated office responsible for receiving and responding to all ERR comments]. All comments received by [insert date - if published, date must be 15 days after (not including the) day of publication. If posted, the date must be 18 days after (not including the) day of posting] will be considered by the [insert name of RE] prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

**ENVIRONMENTAL CERTIFICATION**

The [insert name of Responsible Entity] certifies to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] that [insert name of Certifying Officer] in [insert "his" or "her"] capacity as [insert official title of Certifying Officer] consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]'s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the [insert name of grantee] to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

[insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] will accept objections to the [insert name of RE] Request for Release of Funds and Environmental Certification for a period of fifteen days following the submission date specified above or the actual receipt of the request (whichever is later) only if they are on the following bases: a) the certification was not executed by the Certifying Officer of [insert name of RE]; b) the [insert name of RE] has omitted a step or failed to make a determination or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; c) the [insert name of RE] has omitted one or more steps in the preparation, completion or publication of the Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; e) another Federal, State or local agency has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] at [insert address for ADOH or HUD, whichever applies]. Potential objectors should contact [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of Certifying Officer*  
 [insert NAME AND TITLE OF RE CERTIFYING OFFICER]

**E-P.6 Housing Rehabilitation Notice of Intent to Request Release of Funds**

**E-P.6 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR RESIDENTIAL REHABILITATION PROJECTS USING RER/APPENDIX A TIERED REVIEW PROTOCOL**

[insert date of Notice]  
Name of Responsible Entity [RE]: [insert name of Responsible Entity (RE)]  
Address: [insert street number and name]  
City, State, Zip Code: [insert city, state, zip code]  
Telephone Number of RE: [insert telephone number for RE]

**REQUEST FOR RELEASE OF FUNDS**

On or about [insert date - must be at least one day after end of the comment period] the [insert name of RE] will [enter either "submit" or if the RE is not also the grant recipient - "authorize the (name of the grantee) to submit"] a request to the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] for the release of [insert name of funding source i.e., "CDBG" or "HOME" etc.] funds under [insert the Title/Section number for the funding source, the name of the federal act and the date of the federal act respectively for each funding source], as amended, to undertake a project known as[insert name of project], for the purpose of:  
[insert a description of the nature/scope of the project and the project location]

During the period [insert program dates i.e.; "July 1 2014 to June 30, 2019"] approximately \$[insert list and amounts for all funding sources i.e., "\$500,000 in CDBG and \$500,000 in HOME"] will be used by [insert name of applicant] to rehabilitate approximately [number of homes anticipated to be assisted considering all funding sources and all program years] homes/units. The area of consideration for this program is: [insert description of service area of rehab program]

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at [insert name and address of the Responsible Entity office where the ERR can be examined and name and address of any other locations where the ERR is available for review]and may be examined or copied weekdays from A.M to P.M. [insert name of RE] will use the Appendix A format to supplement this ERR with additional site-specific reviews further addressing Historic Preservation, Explosive and Flammable Operations, Airport Clear Zones, Flood Insurance, Toxic Substances and Hazardous Materials prior to approving any loan or grant under these programs.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the [insert name and address of the RE designated office responsible for receiving and responding to all ERR comments]. All comments received by [insert date - if published, date must be 7 days after (not including the) day of publication. If posted, the date must be 10 days after (not including the) day of posting] will be considered by the [insert name of RE] prior to authorizing submission of a request for release of funds.

**E-P.6 Housing Rehabilitation Notice of Intent to Request Release of Funds (continued)**

**ENVIRONMENTAL CERTIFICATION**

The [insert name of Responsible Entity] certifies to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] that [insert name of Certifying Officer] in [insert "his" or "her"] capacity as [insert official title of Certifying Officer] consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]'s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the [insert name of grantee] to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

[insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] will consider objections to its release of funds and the [insert name of RE] certification received by [insert date - must be at least 15 days after date of submission] or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the [insert name of RE]; (b) the [insert name of RE] has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"]; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] at [insert address for ADOH or HUD, whichever applies]. Potential objectors should contact the [insert "Arizona Department of Housing" or if a NonProfit - "US Department of Housing and Urban Development"] to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of RE Certifying Officer*

[Name and Title of RE Certifying Officer]

**E-P.6 SAMPLE (Local Government)**

**E-P.6 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR RESIDENTIAL REHABILITATION PROJECTS USING RER/APPENDIX A TIERED REVIEW PROTOCOL**

January 1, 2020

Name of Responsible Entity [RE]: City of Mayberry

Address: 100 Broadway Rd.

City, State, Zip Code: Mayberry, Arizona 85555

Telephone Number of RE: 520-555-55525

**REQUEST FOR RELEASE OF FUNDS**

On or about January 9, 2020 the City of Mayberry will submit a request to the Arizona Department of Housing (ADOH) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as Single Family Owner Occupied Housing Rehabilitation, for the purpose of:

**Operating a program to provide for the substantial rehabilitation of homes owned by low income residents.**

During the period July 1, 2020 to June 30, 2023 approximately \$900,000 in CDBG funds (\$300,000 in FY 2020, \$300,000 in FY 2021 and \$300,000 in FY 2022 funds) will be used by the City of Mayberry to rehabilitate approximately 18 homes/units. The area of consideration for this program is: the low income neighborhoods of Eastside, Southside and Northside.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at the City of Mayberry and may be examined or copied weekdays from 8 A.M to 5 P.M. The City of Mayberry, 100 Broadway Rd, Mayberry, Arizona 85555 will use the Appendix A format to supplement this ERR with additional site-specific reviews further addressing Historic Preservation, Explosive and Flammable Operations, Airport Clear Zones, Flood Insurance, Toxic Substances and Hazardous Materials prior to approving any loan or grant under these programs.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the City of Mayberry, 100 Broadway Rd, Mayberry, Arizona 85555 100. All comments received by January 8, 2020 will be considered by the City of Mayberry prior to authorizing submission of a request for release of funds.

**ENVIRONMENTAL CERTIFICATION**

The City of Mayberry certifies to ADOH that John Smith in his capacity as City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. ADOH's

**E-P.6 SAMPLE (Local Government) *continued***

approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Mayberry to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

ADOH will consider objections to its release of funds and the City of Mayberry's certification received by January 25, 2020 or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Mayberry ;( b) the City of Mayberry has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by ADOH; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to ADOH at 1110 W. Washington, Suite 310, Phoenix, Arizona 85555. Potential objectors should contact the ADOH to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of RE Certifying Officer*

John Smith, Mayberry City Manager

**E-P.6 SAMPLE (Non Profit)**

**E-P.6 - NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR RESIDENTIAL REHABILITATION PROJECTS USING RER/APPENDIX A TIERED REVIEW PROTOCOL**

January 1, 2020

Name of Responsible Entity [RE]: Arizona Department of Housing

Address: 1110 W. Washington, Suite 310

City, State, Zip Code: Phoenix, Arizona 85007

Telephone Number of RE: 602-771-1000

**REQUEST FOR RELEASE OF FUNDS**

On or about January 9, 2020 the Arizona Department of Housing (ADOH) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of CDBG and HOME funds under Title I of the Housing and Community Development Act of 1974 and Title II of the Cranston Gonzalez National Affordable Housing Act of 1990 respectively, as amended, to undertake a project known as Single Family Owner Occupied Housing Rehabilitation, for the purpose of:

**Operating a program to provide for the substantial rehabilitation of homes owned by low income residents.**

During the period July 1, 2020 to June 30, 2023 approximately \$ 900,000 in CDBG (\$300,000 in FY 2020, \$300,000 in FY 2021, \$300,000 in FY 2022 funds) and \$900,000 in HOME (\$300,000 in FY 2020, \$300,000 in FY 2021, \$300,000 in FY 2022 funds) will be used by the Foundation for Better Living to rehabilitate approximately 36 homes/units. The area of consideration for this program is: the low income neighborhoods of Southside, Northside and Eastside.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at ADOH, and may be examined or copied weekdays from 8 A.M to 5 P.M. ADOH will use the Appendix A format to supplement this ERR with additional site-specific reviews further addressing Historic Preservation, Explosive and Flammable Operations, Airport Clear Zones, Flood Insurance, Toxic Substances and Hazardous Materials prior to approving any loan or grant under these programs.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the ADOH, 1110 W. Washington, Suite 310, Phoenix, Arizona 85007. All comments received by January 8, 2020 will be considered by the ADOH prior to authorizing submission of a request for release of funds.

**ENVIRONMENTAL CERTIFICATION**

The ADOH certifies to the U.S. Department of Housing and Urban Development (HUD) that John Smith in his capacity as Deputy Director of ADOH consents to accept the jurisdiction of the Federal Courts if

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**E-P.6 SAMPLE (Non Profit) *continued***

an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Foundation for Better Living to use Program funds.

**OBJECTIONS TO RELEASE OF FUNDS**

HUD will consider objections to its release of funds and the ADOH certification received by January 25, 2020 or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the ADOH ;( b) the ADOH has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to HUD at *One North Central Avenue, Suite 600, Phoenix, Arizona 85004*. Potential objectors should contact the HUD to verify the actual last day of the objection period.

\_\_\_\_\_  
*Signature of RE Certifying Officer*

John Smith, Deputy Director ADOH

## 14. FORMS

### E-CO Certifying Officer Designation



#### E-CO CERTIFYING OFFICER DESIGNATION (for Local Units of Government)

*The Certifying Officer, responsible for compliance with all environmental review requirements, is usually the chief elected official (Mayor or Board Chair) or administrative officer (Town or County Manager) for the responsible entity/jurisdiction in which the project is located, or his/her designee. The designee should be an official with the legal authority to unilaterally sign a contract which obligates the grantee. The original of this executed form must be included in the Environmental Review Record.*

#### Designation:

**Name of Certifying Officer**, **Title of Certifying Officer**, of **Grantee Name** is the Certifying Officer as defined in 24 CFR Sec. 58.13 for the Environmental Review requirements of ADOH insert type of funds i.e. HOME, CDBG etc. funds:

Date:  Designated by: \_\_\_\_\_  
**Name, Title**

#### Acknowledgement:

I, **Name of Certifying Officer**, **Title of Certifying Officer**, accept the responsibilities of the Certifying Officer for **Name of Responsible Entity**, as defined in 24 CFR 58.13. I consent to assume the status of "responsible Federal official" as that term is used in section 102 of the National Environmental Policy Act of 1969 and understand that I am responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5 insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.

On behalf of the recipient, I personally accept the jurisdiction of the Federal courts for enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Certifying Officer Signature: \_\_\_\_\_ Date:   
**Name of Certifying Officer**  
**Title**

### E-CO.1 Compliance Officer Designation for Non Profit Grantees



#### E-CO.1 COMPLIANCE OFFICER DESIGNATION FOR NONPROFIT GRANTEEES

ADOH functions as the Responsible Entity and Certifying Official for all its nonprofit grantees and will request a release of funds from HUD. Nonprofit grantees are responsible for completing all compliance reviews (Statutory Checklist and Environmental Assessment Checklist) on programs/projects for which they are receiving federal funds through ADOH.

The highest executive officer (Executive Director/Board Chair) of the Nonprofit Grantee is to use this form to designate an agent responsible for environmental compliance. The Compliance Officer may be an official of the agency or a contracted third party. The original of this executed form must be included in the Grantee's Environmental Review Record.

**Name of Compliance Officer**, **Title**, of **Agency** hereby accepts the responsibility for completing the Environmental Review requirements described above for ADOH CDBG funds, Contract Number:

\_\_\_\_\_ Date: \_\_\_\_\_  
**Compliance Officer Name**  
**Title**

Designated by:

\_\_\_\_\_ Date: \_\_\_\_\_  
**Nonprofit Highest Executive Officer Name**  
**Title**

E-DD Determining Dates for CE or RER



**E-DD: DETERMINING DATES FOR CE or RER**  
*Complete all shaded areas.*

NOTE: The ROF date calculated here is for use in the NOI/RROF publication. The actual ROF date may differ depending on the date notices are actually received. The actual ROF date will be the date indicated on HUD form 7015.16, Authority to Use Grant Funds.

	Days of Comment Periods	Date	Comments	Reference in NOI/RROF
<b>First Comment Period</b> Comments are to be directed to the local unit of government that is the grantee, or, if a nonprofit grantee, to ADOH	<b>Date of Publication:</b>		<b>Enter Date of publication.</b> Save the entire newspaper page to send with the Request for Release of Funds (RROF). Keep extra copy for Environmental Review Record (ERR) file.	Top left hand corner of p.1
	Day 1		Day 1 of 1 <sup>st</sup> comment period is the <u>day after</u> publication.	Not Applicable
	2		List successive dates after Day 1 in the shaded "Date" column.	
	3			
	4			
	5			
	6			
	7	(Stop!)	Is day 7 a business day? Yes <input type="checkbox"/> No <input type="checkbox"/> If <b>yes</b> , enter this date on the next line as the last day of 1 <sup>st</sup> comment period. If <b>no</b> , enter the next business day after day 7 on the next line as the last day of 1 <sup>st</sup> comment period.	
<b>Last day of 1<sup>st</sup> comment period</b>		Do not send the RROF prior to close of business on this day. The public is entitled to 7 full days to make comments	In ¶ entitled "Public Comments"	
<b>On or About Date:</b>		Date expected to <b>receive</b> the RROF. RROF may be faxed or mailed. If using U.S. mail, allow extra days for delivery and receipt.	1 <sup>st</sup> sentence of Notice	
<b>Second Comment Period</b> Comments are directed to ADOH or HUD (in the case of nonprofits)	Day 1		Day 1 of the 2 <sup>nd</sup> comment period is the <u>day after</u> the "on or about date," i.e., the day after RROF is received.	Not Applicable
	2		List successive dates after Day 1 in the shaded "Date" column.	
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15	(Stop!)	Is day 15 a business day? Yes <input type="checkbox"/> No <input type="checkbox"/> If <b>yes</b> , enter this date on the next line as the last day of 2 <sup>nd</sup> comment period. If <b>no</b> , enter the next business day after day 15 on the next line as the last day of 2 <sup>nd</sup> comment period.	
Last day of 2 <sup>nd</sup> Comment Period:		The last day of the 2 <sup>nd</sup> comment period must be a business day.	The last sentence in Notice	
<b>Release of Funds (ROF) Date:</b>		<b>The day after last day of 2<sup>nd</sup> comment period.</b> This date does not have to be a business day, but it <b>cannot</b> be a federal holiday. If a federal holiday, use the day after the holiday as the ROF date. This ROF date is calculated here for use in the publication. <b>DO NOT INCUR PROJECT COSTS</b> until HUD 7015.16 is received.		

E-DD.1 Determining Dates for EA



E-DD.1: DETERMINING DATES FOR EA

Complete all shaded areas.

NOTE: The ROF date calculated here is for use in the Combined Notice (FONSI) publication. The actual ROF date will be the date indicated on HUD form 7015.16, Authority to Use Grant Funds.

	Days of Comment Periods	Date	Comments	Reference in Combined Notice
<b>First Comment Period</b> Comments are to be directed to the local unit of government that is the grantee, or, if a nonprofit grantee, to ADOH	<b>Date of Publication:</b>		<b>Enter Date of publication.</b> Save the entire newspaper page to send with the Request for Release of Funds (RROF). Keep extra copy for Environmental Review Record (ERR) file.	Top left hand corner of p.1
	Day 1		Day 1 of 1 <sup>st</sup> comment period is the <u>day after</u> publication.	Not Applicable
	2		List successive dates after Day 1 in the shaded column.	
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
<b>Last day of 1<sup>st</sup> comment period</b>		(Stop!)	The last day of 1 <sup>st</sup> comment period must be a business day. Do not send RROF prior to close of business on this day. Public is entitled to 15 full days to make comments.	In ¶ entitled "Public Comments"
<b>On or About Date:</b>			<b>Date expected to receive the RROF.</b> RROF may be faxed or mailed. If using U.S. mail, allow extra days for delivery and receipt.	1 <sup>st</sup> sentence of Combined Notice
<b>Second Comment Period</b> Comments are directed to ADOH or HUD (in the case of nonprofits)	1		Day 1 of 2 <sup>nd</sup> comment period is <u>day after</u> the "on or about date," i.e., the day after RROF is received.	Not Applicable
	2		List successive dates after Day 1 in the shaded column.	
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
	Last day of 2 <sup>nd</sup> Comment Period:		(Stop!)	The last day of the 2 <sup>nd</sup> comment period must be a business day.
<b>Release of Funds (ROF) Date:</b>			<b>The <u>day after</u> last day of 2<sup>nd</sup> comment period.</b> This date does not have to be a business day, but it <b>cannot</b> be a federal holiday. If a federal holiday, use the day after the holiday as the ROF date. This ROF date is calculated here for use in the publication. Actual dates may differ. DO NOT INCUR PROJECT COSTS until <u>written</u> authorization is received informing the grantee of the actual ROF date.	

**E-1 Project Narrative**



**E-1 PROJECT NARRATIVE**

Recipient: \_\_\_\_\_  
 ADOH Contract No.: \_\_\_\_\_

**ADOH ENVIRONMENTAL REVIEW RECORD  
 PROJECT NARRATIVE**

1. Project Title: \_\_\_\_\_
2. Project Description: (attach additional pages as necessary) \_\_\_\_\_

Complete item a and b if the information is not included in the attachment.

a. Geographic Location (street names, compass direction, relation to town limit):  
 \_\_\_\_\_

b. Size and/or Area (sq. ft. of building, size and length of pipe, no. of units):  
 \_\_\_\_\_

c. Existing Environmental Conditions (i.e., no sewer system, river contamination, unpaved streets, residential area, fully developed):  
 \_\_\_\_\_

d. Purpose (i.e., to improve traffic and driving conditions by widening roads):  
 \_\_\_\_\_

e. Cost:		
Federal Funds	Source: _____	\$ _____
Leverage/Other	Source: _____	\$ _____
Leverage/Other	Source: _____	\$ _____

TOTAL	\$ _____
-------	----------

4. Map attached with project site clearly marked: Yes

5. Prepared By:  
 Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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## E-2 Documentation of Exemption



### E-2 DOCUMENTATION OF EXEMPTION

Recipient  
ADOH Contract No.

### ENVIRONMENTAL REVIEW RECORD DOCUMENTATION OF EXEMPTION

1. Description of Activity(ies):

2. These activities are **exempt** pursuant to 24 CFR Part 58.

Form Prepared By (*name and title*): \*\*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Certifying Officer for Responsible Entity (*name and title*):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

A copy of this document should be submitted to ADOH if the **entire** activity is Exempt (e.g. planning only) and excluding Administration. The original should be held in the Recipient's ERR file.

**\*\* FOR NON-PROFIT ONLY:** Form Prepared by must be signed by the Entity's designated ERR Compliance Officer. ADOH becomes the Responsible Entity and will sign as the Certifying Officer.

Rev. 5/2013

**E-3 Level of Environmental Review Form**



**E-3 LEVEL OF ENVIRONMENTAL REVIEW**

RECIPIENT  
ADOH Contract No:

**ADOH ENVIRONMENTAL REVIEW RECORD**

**LEVEL OF ENVIRONMENTAL REVIEW**

Determine the type of environmental review necessary by checking the box that best describes the activity.

**A. EXEMPT ACTIVITIES**

1. The following are **EXEMPT** activities or components of an activity (§58.34). Check the appropriate box and complete the required documentation for Exempt activities.

- Environmental or other studies, resource identification, development of plans and strategies
- Information and financial services
- Administration 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 employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, and welfare or recreational needs
- Inspections and testing of properties for hazards or defects
- Purchase of insurance
- Purchase of tools
- Engineering or Design costs
- Technical assistance 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

2. **The following activities are Categorically Excluded** (not subject to §58.5) and therefore considered **EXEMPT**. Check the appropriate box and complete the required documentation for Exempt activities.

- Supportive services including but not limited to health care, housing services, permanent housing placement, 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.
- Equipment necessary to the operation of a service such as a fire truck, ambulance, transportation service vehicles, etc.

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E-3 Level of Environmental Review Form *(continued)*



2. EXEMPT Activities (cont'd)

- 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 closings costs and down payment assistance, interest buy-downs, and similar activities that result in the transfer of title. **(Dwelling units located in a Floodplain cannot be downgraded to exempt)**
- 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.

B. CATEGORICALLY EXCLUDED activities. Check the appropriate box and complete the required documentation for CE activities.

- An activity from Section A.2 that is in or will impact on a floodplain or airport clear zone.
- Acquisition, repair, improvement, reconstruction or rehabilitation of public facilities and improvements (*other than buildings*) when the facilities/improvements are in place and will be retained in the same use *without change in size or capacity of more than 20%*.  
Examples: Replacement of water or sewer lines, sidewalk/curb reconstruction, street repaving.
- 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 a single family dwelling up to 4 units (*the "unit" reference pertains to the number of units to be included with each contract with a General Contractor*) if the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or wetland.
- Rehabilitation of multi-family if unit density is not changed more than 20%, the project does not involve changes in land use from residential to non-residential, the footprint of the building is not increased in a floodplain and the estimated cost of the rehab does not exceed 75% replacement value.
- Non residential rehabilitation (commercial, industrial, public buildings) only IF: the facilities and improvements are in place and will not be changed in size or capacity by more than 20%; 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.
- An individual action (*new construction; development, demolition, acquisition, disposition or refinancing*) on up to 4 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
- An individual action (*new construction; development, demolition, acquisition, disposition or refinancing*) on a project of 5 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 disposition of 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.

C. Those activities not described in Section A or B requires an ENVIRONMENTAL ASSESSMENT. Check the box below and complete the required documentation for EA activities.

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E-3 Level of Environmental Review Form *(continued)*



**D. Level of Environmental Review:**

- This project is Exempt
- This project is Categorical Excluded considered Exempt per 24 CFR 58.35(b).
- This project is Categorical Excluded
- This project requires an Environmental Assessment

Compliance Officer (FOR NON-PROFITS ONLY) *(insert name and title)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Certifying Officer for Responsible Entity *(insert name and title)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

REV. 6-2013

**E-3.1 Determination Form**



**E-3.1 DETERMINATION FORM (HUD REV. 2011)**

RECIPIENT:  
ADOH Contract No.:

**1. PROJECT DESCRIPTION**

**Project Name:**

**Project Location:**

**Activities (include maximum contemplated scope, magnitude and duration):**

**2. Level of Environmental Review Determination:**

Exempt per 24 CFR 58.34 or Categorically Excluded per 24 CFR 58.35(b) or 24 CFR 50.19; Categorically Excluded subject to statutes per §58.35(a) or 24 CFR 50.20, and subject to laws and regulations at 24 CFR 58.5 or 50.4; Environmental Assessment per § 58.36, or EIS per 40 CFR 1500. *Cite specific provision (e.g. "24 CFR 58.35(a)(3)(ii), rehabilitation of Multi-family buildings"):*

**3. Flood Insurance, Airport Clear Zone, and Coastal Barrier Resource Compliance:**

(24 CFR 58.6 or 24 CFR 50.4(b)(1), 50.4(c)(1), and 50.4(k))

**FLOOD INSURANCE / FLOOD DISASTER PROTECTION ACT**

1. Does the project involve the acquisition, construction or rehabilitation of structures, buildings or mobile homes?

- No. Flood insurance is not required. The review of this factor is completed.
- Yes; continue.

2. Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?

- No. Source Document (FEMA/FIRM floodplain zone designation, panel number, date):  
(Factor review completed).
- Yes. Source Document (FEMA/FIRM floodplain zone designation, panel number, date):  
(Continue reviews).

3. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

- Yes. Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declarations must be kept in the Environmental Review Record.
- No. **(Federal assistance may not be used in the Special Flood Hazards Area).**

**AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES**

1. Does the project involve the sale or acquisition of existing property?

- No. This element is completed.
- Yes; continue.

2. Is the proposed location within 3,000 ft. of a civil airport runway or within 15,000 ft. of a military airfield?

- No. Attach Map. This element is completed.
- Yes; continue

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E-3.1 Determination Form (continued)



3. Is the proposed location within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?
- No; attach signed statement from airport or airfield operator. Project complies with 24 CFR 51.303(a)(3).
  - Yes; **Disclosure Statement must be provided** to buyer and a copy of the signed disclosure statement must be maintained in the Environmental Review Record.

**COASTAL BARRIERS RESOURCES ACT**

1. Is the project located in HUD Region IX (CA, AZ, NV, HI, Guam)?
- Yes. This element is completed; there are no coastal barrier resources in HUD Region IX.
  - No, continue.
2. Is the project located in a coastal barrier resource area?  
(See <http://www.fema.gov/business/nfip/cbrs/cbrs.shtml>).
- No. Cite Source Documentation:  
(This element is completed).
  - Yes. **Federal assistance may not be used in such an area.**

Prepared by *(insert name and title)*

\_\_\_\_\_  
Signature Date

Certifying Officer for Responsible Entity *(insert name and title)*

\_\_\_\_\_  
Signature Date

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**E-4 Statutory Worksheet and Instructions**



Recipient:  
Project:

**E-4 - STATUTORY WORKSHEET**

**A. 24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS**

PROJECT NAME and DESCRIPTION – Include all contemplated actions that logically are either geographically or functionally part of the project. [Insert Scope of Work]

**DIRECTIONS** - Check "A" in the Status Column when the project, by its nature, does not affect the resources under consideration; OR check "B" if the project triggers formal compliance consultation with the oversight agency, or requires mitigation. Compliance documentation must contain **verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as appropriate. SEE STATUTORY WORKSHEET INSTRUCTIONS FOR MORE DETAILED INFORMATION.**

**B. Compliance Factors:**

Statutes, Executive orders, and Regulations listed at 24 CFR §58.5	Status A / B		Compliance Determination & Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) MUST BE CITED
1. Historic Preservation (includes archeology & relevant Tribes) [36 CFR Part 800]	<input type="checkbox"/>	<input type="checkbox"/>	
2. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Wetland Protection [ Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
4. Coastal Zone Management Act [Sections 307(c), (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.
5. Sole Source Aquifers [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>	
6. Endangered Species Act [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	
7. Wild and Scenic Rivers Act [Sections 7(b), and (c)]	<input type="checkbox"/>	<input type="checkbox"/>	
8. Clean Air Act [ Sections 176(c), (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	

E-4 Statutory Worksheet (continued)



9. Farm Land Protection Policy Act [ 7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
10. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
11. HUD Environmental Standards Noise Abatement and Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
Explosive & Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Clear Zones & Accident Potential Zones [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	

**DETERMINATION:**

This project converts to EXEMPT, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be committed and drawn down** for this (now) EXEMPT project; OR

This project cannot be converted to Exempt status because one or more statutes or authorities require formal consultation or mitigation. Complete consultation/mitigation protocol requirements. **Publish NOI/RROF and obtain Authority to Use Grant Funds** (ADOH E-13/HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down funds; OR

The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare EA according to 24 CFR Part 58 Subpart E.

Prepared by *(insert name and title)*

\_\_\_\_\_  
Signature Date

Certifying Officer for Responsible Entity *(insert name and title)*

\_\_\_\_\_  
Signature Date

### Form E-4, Statutory Worksheet Instructions

**A.** Insert the Scope of Work for the proposed project in the blank provided including the project location or area of potential effect (APE).

**B.** Compliance Factors: Statutes, Executive orders, and Regulations listed at 24 CFR §58.5.

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (RE) must make a determination of whether the proposal achieves compliance with each applicable statute, Executive Order, or regulation with or without requiring formal consultation, mitigation, permits, or having adverse effects on the resources protected by the statute. (These instructions are a brief description of essential findings needed to establish compliance. THEY DO NOT REPLACE THE APPLICABLE REGULATIONS. Applicable regulations take precedence over these brief instructions). The preparer of the Statutory Worksheet must DOCUMENT OR ATTACH THE SOURCES OF THE DETERMINATION.

**Record the finding status on the STATUTORY WORKSHEET for each listed federal statute, regulation, authority as follows (check only one – A or B):** Status "A" applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation, **AND** when no formal consultation, permit or agreement is required to establish compliance. In these situations, check "A" box in the STATUTORY WORKSHEET status column. Status "B" applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. If column "B" is checked, the recipient will have to identify and complete additional steps or formal procedures prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

**Compliance Determination & Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) MUST BE CITED.** Identify supporting documentation for each statute, in the form of: letters sent to agencies/organizations and their replies; documented phone calls (include date, person contacted, person placing the phone call, questions asked, responses); maps or plans (and their location if they are not in the ERR); website addresses and the research obtained from those sites; dates of on-site visits, persons conducting such visits, and their expertise to make the determination. In most instances this column will reference attachments to the E-4 form. (See ERR Handbook Section 2.3 for more information about source documentation.)

#### **1. Historic Preservation (includes archeology & relevant Tribes)[36 CFR Part 800]**

(See also ERR Handbook Section 9 which describes the Advisory Council Procedures on Historic Preservation, also known as the Section 106 process.)

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** a) define the Area of Potential Effect (APE); b) solicit input from those with local historic interests (if applicable) AND from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) as well as relevant tribes (as found on TDAT <http://egis.hud.gov/tdat/Tribal.aspx>); c) conduct an on-site review of the APE; d) document at a minimum whether the APE is associated with significant historical events or people; if the APE embodies distinctive characteristics of a type, period or method of construction; represents the work of a master craftsman; possesses high artistic value or is architecturally distinctive; is likely to yield information important in prehistory or history; is part of a district that possesses distinctive characteristics, integrity of location, design, setting, materials, workmanship, feeling or association. Consultation with the SHPO/THPO may extend the time necessary for completing the ERR. The SHPO/THPO must be allowed 35 days from receipt of the documents to comment on the proposed activity or 45 days if the project is determined eligible for the NR. SHPO/THPO documents should be sent certified mail with return receipt to document the SHPO/THPO receipt date. A.R.S. §41-865 requires that Recipients contact The Arizona State Museum if village ruins or burial grounds are thought to exist at the project site or if such are identified by the SHPO/THPO. If you have local historic preservation committee, it is recommended that they be given a courtesy consultation/notification.

**Column A:** The Recipient and SHPO/THPO agree that there are no National Register (NR) or NR-eligible properties or properties with traditional religious and cultural importance within the Area of Potential Effect (APE) affected per 36 CFR 800.4, **OR** the Recipient and SHPO/THPO agree that the project will have no effect on NR or NR-eligible properties, or properties with traditional religious and cultural importance within the APE **OR** SHPO has not objected within 35 days from the signed certified receipt to such fully documented determination

**Column B:** The project will have an effect on NR or NR-eligible properties or properties with traditional religious and cultural importance within the APE. Consult with SHPO/THPO. See ERR Handbook Section 9 which describes the additional actions to be taken including contacting the National Advisory Council on Historic Preservation, and allowing 45 days for a response.

#### **2. Floodplain Management [24 CFR 55, Executive Order 11988]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

FEMA Maps: <https://mssc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>

**Actions:** Review FEMA Flood Hazard Boundary Map or Flood Insurance Rate Map. Cite map number and include a copy of the map. If floodplain map is not available for your project area, contact Arizona Department of Water Resources and the City/Town/County Engineer or local Flood Control Agency.

**Column A:** The project does not involve property acquisition, management, construction or improvements within a 100-year floodplain (Zones A or V) identified by FEMA maps, and does not involve a "critical action" (e.g., emergency facilities, facility for mobility impaired persons, hospital etc.) within a 500 year floodplain (Zone B).

**Column B:** The project lies within or will impact on a 100 year floodplain for a critical action or a 500 year floodplain for a critical action. Complete the 8-step decision making process (Form E-9) according to 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposal and to mitigate effects of the project in a floodplain.

See ERR Handbook Section 8 for further information.

**3. Wetland Protection [ Executive Order 11990]**

Guidance: <http://www.fws.gov/wetlands/Data/index.html>

**Actions:** Review the U.S. Fish and Wildlife website above for wetland mapping. Include a copy of the map with the project location. If your project location is not available on the website, contact the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. If cut and fill will occur in a waterway, a Corps of Engineers 404 permit may be necessary, particularly if such work may affect wetlands. If the project takes place in or on any existing buildings, do not contact the U.S. Army Corps of Engineers

**Column A:** The project does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers.

**Column B:** The project lies within or will affect a wetland. Complete the 8-step decision making process (Form E-9) in 24 CFR 55.20 to document there are no practicable alternatives and to mitigate effects of the project on wetlands and publish the Prior Notice (Form E-P.1). Such action also requires obtaining a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act.

NOTE: If clearing of undeveloped land, a change of landscape features, or work on structures in or affecting the waters of the U.S. is proposed, contact the U.S. Army Corps of Engineers with a letter describing the activity so it may determine if a Clean Water Act or River and Harbor Act permit is required. Waters of the United States include wetlands, lakes, reservoirs, rivers, streams, dry stream beds, arroyos, washes, and other ephemeral watercourses.

**4. Coastal Zone Management Act [Sections 307(c), (d)]**

NOTE: Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.

**Column A:** This box has been checked for you.

**Column B:** This box is not applicable for projects located in the State of Arizona.

**5. Sole Source Aquifers (Safe Drinking Water Act) [40 CFR 149]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Maps: <http://www.epa.gov/region9/water/groundwater/ssa.html>

NOTE: There are 2 EPA designated sole source aquifers identified in Arizona including portions of Pima, Pinal, Santa Cruz and Cochise counties.

Per the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990, if the project activity does not lie in Pima, Pinal, Santa Cruz or Cochise counties, referral to EPA for comment is not necessary. Additionally, referral to EPA for comment is not necessary if the project activity **does lie** within one of these four counties but **does not involve** the following:

1. Agricultural activities including but not limited to land related operations employed in the production, raising, processing and marketing of crops or livestock;
2. Construction of (or addition to) residential, commercial or industrial projects, or public facilities or land developments whose sanitation facilities will consist of individual disposal systems (cesspools, septic tanks with leach fields or seepage pits), or community sewerage systems (owned either privately or by a homeowners association), or a proposed (i.e. not yet in place) publicly owned piped sanitary sewer system, the discharge from which will terminate within the watershed of the aquifer;

3. The preparation of an Environmental Impact Statement (EIS);
4. Existing or proposed industrial projects which manufacture, store, transport or dispose of toxic chemicals or radioactive materials;
5. Acquisition of a site intended to be used for a sanitary landfill and its operation, or closure of a sanitary landfill;
6. Construction or abandonment of a water well; or
7. Facilities which dispose of their waste water in either dry wells, retention ponds, or by other methods not employing a treatment plant.

**Actions:** If the project *does involve* any of the activities listed above (1 through 7), then the project must be referred to EPA for review/comments.

**Column A:** The project is not located within a U.S. EPA-designated sole source aquifer watershed area per EPA Ground Water Office, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990 **OR** the EPA concurs the project has no impact.

**Column B:** The project is located within a U.S. EPA designated sole source aquifer area, involves one of the above seven actions identified in the MOU of 1990 and the EPA has determined there is an impact. Consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Document implementation of actions recommended by EPA or other appropriate authority to resolve the situation.

**6. Endangered Species Act [50 CFR 402]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Endangered species data: <http://www.fws.gov/endangered/>

**Actions:** Contact the Arizona Fish and Game and U.S. Fish and Wildlife Service, or a biologist at a local college or university.

**Column A:** The RE documents that the proposal will have "no effect" or "is not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify designated critical habitats. This finding is to be based on the review of designated critical habitats, contact with the U.S. Fish and Wildlife Service (US FWS) or National Marine Fisheries Service (NMFS), or by special study completed by a biologist or botanist. A determination of "no effect" based on the well-documented absence of listed species and critical habitats does not require U.S. FWS concurrence.

**Column B:** Consult with the U.S. FWS or with the NMFS, as appropriate, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded "major construction" activities and anytime a "likely to adversely affect" determination is made. Document implementation of actions recommended by the Fish and Game/Wildlife Service or other authorities consulted, or reasons for non-implementation.

**7. Wild and Scenic Rivers Act [Sections 7(b), and (c)]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Maps and data: <http://www.rivers.gov/>

NOTE: The only rivers outside of Pima and Maricopa County that have been so designated are the Verde River from Camp Verde to about 2 miles south of Table Mountain and Fossil Creek which flows from the Mogollon Rim near Strawberry and meets the Verde River. However, it is recommended that consultation should occur regarding any project that will take place in close proximity to any free-flowing river.

**Actions:** If applicable, contact the Prescott National Forest and Tonto National Forest, or the National Park Service, Western Regional Office. If not applicable, document the file with a map indicating the location of the project in relation to any free-flowing rivers.

**Column A:** The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system

**Column B:** The project is located within one mile of a listed Wild and Scenic River, **OR** the project will have an impact. Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation. Document the implementation of National Forest Service recommendations.

**8. Clean Air Act (Air Quality) [ Sections 176(c), (d), and 40 CFR 6, 51, 93]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Non-Attainment area data: <http://www.epa.gov/oaqps001/greenbk/>

**Actions:** Contact the Arizona Department of Environmental Quality, Office of Air Quality.

**Column A:** The project is located within an "attainment" area, OR, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the Arizona Department of Environmental Quality (DEQ), Office of Air Quality, AND the project requires no individual NESHAP permit or notification

**Column B:** Negotiate suitable mitigation measures with DEQ, obtain necessary permits, and issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed during rehabilitation/demolition activities in multi-family properties). Document the implementation of DEQ recommendations. If the issues are transportation related, priority must be given to implementing those portions of the SIP to achieve and maintain national primary air quality standards.

**9. Farm Land Protection Policy Act [7 CFR 658]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>  
 Census Maps: <http://www.census.gov/geo/maps-data/maps/2010ua.html>

NOTE: If the project is NOT acquisition of undeveloped land, new construction or conversion then the FLPP Act does not apply. The Act does not apply to land already in or committed to urban development or those that could otherwise not convert farmland to non-agricultural uses.

**Actions:** Determine if your project is considered "developed" for the purpose of FLPP by consulting U.S. Census Urban Areas Maps. If you cannot find your project location on one of these maps, consult the USDA Natural Resources Conservation Service.

**Column A:** The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service, OR the project site includes prime or unique farmland, but is located in an area committed to urban uses.

**Column B:** Request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands) Document implementation of the Soil Conservation Service recommendations.

**10. Environmental Justice [Executive Order 12898]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>  
 Mapping tool: <http://www.epa.gov/emefdata/em4ef.home>

**Actions:** The purpose of Executive Order 12898 is to ensure that there is no disproportionately adverse environmental impact (mainly toxic dumps and nuclear waste facilities) on low income and minority areas due to federal projects. Since there are no agencies or experts to contact to make such a determination, it is presumed that if there is no negative impact in the other areas listed, then there is no impact on Environmental Justice.

**Column A:** The proposed site is suitable for its proposed use and will NOT be adversely impacted by adverse environmental conditions.

**Column B:** Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address and mitigate the disproportional human health or environmental effects adversely affecting the low income or minority populations OR reject the proposal.

**11. HUD Environmental Standards**

• **Noise Abatement and Control [24 CFR 51B]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Contact the project engineer or other persons knowledgeable about the potential noise impacts of the proposed project. Review a map to determine the location of major roads within 1,000 feet of the project, railroad uses within 3,000 feet and noise contours for airports. Contact the planning director. Also examine large point sources such as parking lots, foundries, metal rendering plants, etc.

**Column A:** The project does not involve development of noise sensitive uses, OR the project is not within line-of-sight of a major or arterial roadway or railroad, OR ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map.

**Column B:** Apply the noise standard, per 24 CFR §51.101, to the decision whether to approve the proposal (see §51.104), and implement noise attenuation measures (NAG page 39-40) as applicable.

- **Explosive & Flammable Operations [24 CFR 51C]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Contact the Public Safety Officer, Fire Chief or Planning Director and conduct an on-site inspection.

**Column A:** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assisted Projects Near Hazardous Facilities" (Appendices F & G, pp. 51-52), **OR** the project will expose neither people nor buildings to such hazards

**Column B:** mitigate the blast overpressure or thermal radiation hazard with the construction of a barrier of adequate size and strength to protect the project (per 24 CFR 51.205).

- **Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Mapping Tool: [http://www.epa.gov/emefdata/em4ef\\_home](http://www.epa.gov/emefdata/em4ef_home)

NOTE: Federal funds should NOT be used on activities supporting new development for habitation when the area may be affected by toxic chemicals or radioactive materials.

**Actions:** Use the EPA Mapping Tool at the link provided above. Input the project location and consult the "Program Systems" drop down list for Superfund Sites, Toxic Releases, and Hazardous Waste etc. If a "(0)" appears next to all of the listed programs, print map and indicate project location on the Map. No further consultation is necessary. If a number other than "(0)" appears you must click the box for the corresponding program which will plot the hazardous, toxic or radioactive materials facility sites on the map and provide Facility Name, Address and Report information under the map. Click on the "View Report" to verify the current compliance status is "No Violation". If facility is under a current violation or compliance order you will have to do further consultation with the appropriate Federal, state or local oversight agency.

**Column A:** The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes.

**Column B:** Mitigate the adverse environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal.

- **Airport Clear Zones & Accident Potential Zones [24 CFR 51D]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Use the ADOT Arizona Airports link to map your project address and its proximity to airports: <http://www.azdot.gov/maps>  
Contact the closest airport to determine whether the project is considered to lie within a designated civilian airport Runway Clear Zone (RCZ), a military airfield Clear Zone (CZ) or an Accident Potential Zone (APZ).

**Column A:** The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) -or Runway Protection Zone, or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) -Approach Protection Zone, based upon information from the civilian airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ;

**Column B:** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

**E-4a Statutory Worksheet and Instructions for OOHR Reconstruction**



**E-4a Statutory Worksheet – OOHR Reconstruction**

Project Name: \_\_\_\_\_

Recipient: \_\_\_\_\_

**A. 24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS**

PROJECT NAME and DESCRIPTION – Include all contemplated actions that logically are either geographically or functionally part of the project. [Insert Scope of Work]

**DIRECTIONS** - Check "A" in the Status Column when the project, by its nature, does not affect the resources under consideration; OR check "B" if the project triggers formal compliance consultation with the oversight agency, or requires mitigation. Compliance documentation must contain **verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as appropriate. See instructions for additional guidance.**

**B. Compliance Factors:**

Statutes, Executive Orders, and Regulations Listed at 24 CFR §58.5	Status A/B		Compliance Determination and Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) <b>MUST BE CITED</b>
1. Historic Preservation (includes archeology & relevant Tribes) [36 CFR Part 800]	<input type="checkbox"/>	<input type="checkbox"/>	
2. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Wetland Protection [ Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
4. Coastal Zone Management Act [Sections 307(c), (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.
5. Sole Source Aquifers [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Per HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990, activity of housing rehabilitation reconstruction does not require consultation.
6. Endangered Species Act [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	
7. Wild and Scenic Rivers Act. [Sections 7(b), and (c)]	<input type="checkbox"/>	<input type="checkbox"/>	
8. Clean Air Act [ Sections 176(c), (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	

E-4a Statutory Worksheet for OOHR Reconstruction (continued)

9. Farm Land Protection Policy Act [ 7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
10. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
11. HUD Environmental Standards Noise Abatement and Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
Explosive & Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Clear Zones & Accident Potential Zones [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	

**DETERMINATION:**

This project converts to EXEMPT, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be committed and drawn down** for this (now) EXEMPT project; OR

This project cannot be converted to Exempt status because one or more statutes or authorities require formal consultation or mitigation. Complete consultation/mitigation protocol requirements. **Publish NOI/RROF and obtain Authority to Use Grant Funds** (ADOH E-13/HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down funds; OR

The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare EA according to 24 CFR Part 58 Subpart E.

Prepared by (*insert name and title*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Certifying Officer for Responsible Entity (*insert name and title*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

E-4a Statutory Worksheet for OOHR Reconstruction (continued)

**Form E-4a, Statutory Worksheet – OOHR Reconstruction Instructions**

**A.** Insert the Scope of Work for the proposed project in the blank provided including the project location or area of potential effect (APE).

**B.** Compliance Factors: Statutes, Executive orders, and Regulations listed at 24 CFR §58.5.

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (RE) must make a determination of whether the proposal achieves compliance with each applicable statute, Executive Order, or regulation with or without requiring formal consultation, mitigation, permits, or having adverse effects on the resources protected by the statute. (These instructions are a brief description of essential findings needed to establish compliance. THEY DO NOT REPLACE THE APPLICABLE REGULATIONS. Applicable regulations take precedence over these brief instructions). The preparer of the Statutory Worksheet must DOCUMENT OR ATTACH THE SOURCES OF THE DETERMINATION.

**Record the finding status on the STATUTORY WORKSHEET for each listed federal statute, regulation, authority as follows (check only one – A or B): Status “A”** applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation, **AND** when no formal consultation, permit or agreement is required to establish compliance. In these situations, check “A” box in the STATUTORY WORKSHEET status column. **Status “B”** applies when project compliance with the authority requires formal consultation, a permit or agreement, **OR** when the proposal may have an adverse effect on the protected resources. If column “B” is checked, the recipient will have to identify and complete additional steps or formal procedures prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

**Compliance Determination & Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) MUST BE CITED.** Identify supporting documentation for each statute, in the form of: letters sent to agencies/organizations and their replies; documented phone calls (include date, person contacted, person placing the phone call, questions asked, responses); maps or plans (and their location if they are not in the ERR); website addresses and the research obtained from those sites; dates of on-site visits, persons conducting such visits, and their expertise to make the determination. In most instances this column will reference attachments to the E-4 form. (See ERR Handbook Section 2.3 for more information about source documentation.)

**1. Historic Preservation (includes archeology & relevant Tribes)[36 CFR Part 800]**

(See also ERR Handbook Section 9 which describes the Advisory Council Procedures on Historic Preservation, also known as the Section 106 process.)

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** a) define the Area of Potential Effect (APE); b) solicit input from those with local historic interests (if applicable) **AND** from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) as well as relevant tribes (as found on TDAT <http://eqis.hud.gov/tdat/Tribal.aspx> ); c) conduct an on-site review of the APE; d) document at a minimum whether the APE is associated with significant historical events or people; if the APE embodies distinctive characteristics of a type, period or method of construction; represents the work of a master craftsman; possesses high artistic value or is architecturally distinctive; is likely to yield information important in prehistory or history; is part of a district that possesses distinctive characteristics, integrity of location, design, setting, materials, workmanship, feeling or association. Consultation with the SHPO/THPO may extend the time necessary for completing the ERR. The SHPO/THPO must be allowed 35 days from receipt of the documents to comment on the proposed activity or 45 days if the project is determined eligible for the NR. SHPO/THPO documents should be sent certified mail with return receipt to document the SHPO/THPO receipt date. A.R.S. §41-865 requires that Recipients contact The Arizona State Museum if village ruins or burial grounds are thought to exist at the project site or if such are identified by the SHPO/THPO. If you have local historic preservation committee, it is recommended that they be given a courtesy consultation/notification.

**Column A:** The Recipient and SHPO/THPO agree that there are no National Register (NR) or NR-eligible properties or properties with traditional religious and cultural importance within the Area of Potential Effect (APE) affected per 36 CFR 800.4, **OR** the Recipient and SHPO/THPO agree that the project will have no effect on NR or NR-eligible properties, or properties with traditional religious and cultural importance within the APE **OR** SHPO has not objected within 35 days from the signed certified receipt to such fully documented determination

**E-4a Statutory Worksheet for OOHR Reconstruction (continued)**

**Column B:** The project will have an effect on NR or NR-eligible properties or properties with traditional religious and cultural importance within the APE. Consult with SHPO/THPO. See ERR Handbook Section 9 which describes the additional actions to be taken including contacting the National Advisory Council on Historic Preservation, and allowing 45 days for a response.

**2. Floodplain Management [24 CFR 55, Executive Order 11988]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

FEMA Maps: <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>

**Actions:** Review FEMA Flood Hazard Boundary Map or Flood Insurance Rate Map. Cite map number and include a copy of the map. If floodplain map is not available for your project area, contact Arizona Department of Water Resources and the City/Town/County Engineer or local Flood Control Agency.

**Column A:** The project does not involve property acquisition, management, construction or improvements within a 100-year floodplain (Zones A or V) identified by FEMA maps, and does not involve a "critical action" (e.g., emergency facilities, facility for mobility impaired persons, hospital etc.) within a 500 year floodplain (Zone B).

**Column B:** The project lies within or will impact on a 100 year floodplain for a critical action or a 500 year floodplain for a critical action. Complete the 8-step decision making process (Form E-9) according to 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposal and to mitigate effects of the project in a floodplain.

See ERR Handbook Section 8 for further information.

**3. Wetland Protection [Executive Order 11990]**

Guidance: <http://www.fws.gov/wetlands/Data/index.html>

**Actions:** Review the U.S. Fish and Wildlife website above for wetland mapping. Include a copy of the map with the project location. If your project location is not available on the website, contact the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. If cut and fill will occur in a waterway, a Corps of Engineers 404 permit may be necessary, particularly if such work may affect wetlands. If the project takes place in or on any existing buildings, do not contact the U.S. Army Corps of Engineers

**Column A:** The project does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers.

**Column B:** The project lies within or will affect a wetland. Complete the 8-step decision making process (Form E-9) in 24 CFR 55.20 to document there are no practicable alternatives and to mitigate effects of the project on wetlands and publish the Prior Notice (Form E-P.1). Such action also requires obtaining a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act.

NOTE: If clearing of undeveloped land, a change of landscape features, or work on structures in or affecting the waters of the U.S. is proposed, contact the U.S. Army Corps of Engineers with a letter describing the activity so it may determine if a Clean Water Act or River and Harbor Act permit is required. Waters of the United States include wetlands, lakes, reservoirs, rivers, streams, dry stream beds, arroyos, washes, and other ephemeral watercourses.

**4. Coastal Zone Management Act [Sections 307(c), (d)]**

NOTE: Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.

**Column A:** This box has been checked for you.

**Column B:** This box is not applicable for projects located in the State of Arizona.

E-4a Statutory Worksheet for OOHR Reconstruction (*continued*)**5. Sole Source Aquifers (Safe Drinking Water Act) [40 CFR 149]**

NOTE: There are 2 EPA designated sole source aquifers identified in Arizona including portions of Pima, Pinal, Santa Cruz and Cochise counties.

Per HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990, activity of housing rehabilitation reconstruction does not require consultation.

**Column A:** This box has been checked for you.

**Column B:** This box is not applicable for housing rehabilitation reconstruction projects.

**6. Endangered Species Act [50 CFR 402]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Endangered species data: <http://www.fws.gov/endangered/>

**Actions:** Contact the Arizona Fish and Game and U.S. Fish and Wildlife Service, or a biologist at a local college or university.

**Column A:** The RE documents that the proposal will have "no effect" or "is not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify designated critical habitats. This finding is to be based on the review of designated critical habitats, contact with the U.S. Fish and Wildlife Service (US FWS) or National Marine Fisheries Service (NMFS), or by special study completed by a biologist or botanist. A determination of "no effect" based on the well-documented absence of listed species and critical habitats does not require U.S. FWS concurrence.

**Column B:** Consult with the U.S. FWS or with the NMFS, as appropriate, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded "major construction" activities and anytime a "likely to adversely affect" determination is made. Document implementation of actions recommended by the Fish and Game/Wildlife Service or other authorities consulted, or reasons for non-implementation.

**7. Wild and Scenic Rivers Act [Sections 7(b), and (c)]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Maps and data: <http://www.rivers.gov/>

NOTE: The only rivers outside of Pima and Maricopa County that have been so designated are the Verde River from Camp Verde to about 2 miles south of Table Mountain and Fossil Creek which flows from the Mogollon Rim near Strawberry and meets the Verde River. However, it is recommended that consultation should occur regarding any project that will take place in close proximity to any free-flowing river.

**Actions:** If applicable, contact the Prescott National Forest and Tonto National Forest, or the National Park Service, Western Regional Office. If not applicable, document the file with a map indicating the location of the project in relation to any free-flowing rivers.

**Column A:** The project is not located within one mile of a listed Wild and Scenic River, OR the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system

**Column B:** The project is located within one mile of a listed Wild and Scenic River, OR the project will have an impact. Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation. Document the implementation of National Forest Service recommendations.

**8. Clean Air Act (Air Quality) [ Sections 176(c), (d), and 40 CFR 6, 51, 93]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Non-Attainment area data: <http://www.epa.gov/oagps001/greenbk/>

**Actions:** Contact the Arizona Department of Environmental Quality, Office of Air Quality.

E-4a Statutory Worksheet for OOHR Reconstruction (*continued*)

**Column A:** The project is located within an "attainment" area, OR, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the Arizona Department of Environmental Quality (DEQ), Office of Air Quality, AND the project requires no individual NESHAP permit or notification

**Column B:** Negotiate suitable mitigation measures with DEQ, obtain necessary permits, and issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed during rehabilitation/demolition activities in multi-family properties). Document the implementation of DEQ recommendations. If the issues are transportation related, priority must be given to implementing those portions of the SIP to achieve and maintain national primary air quality standards.

#### 9. Farm Land Protection Policy Act [7 CFR 658]

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Census Maps: <http://www.census.gov/geo/maps-data/maps/2010ua.html>

NOTE: If the project is NOT acquisition of undeveloped land, new construction or conversion then the FLPP Act does not apply. The Act does not apply to land already in or committed to urban development or those that could otherwise not convert farmland to non-agricultural uses.

**Actions:** Determine if your project is considered "developed" for the purpose of FLPP by consulting U.S. Census Urban Areas Maps. If you cannot find your project location on one of these maps, consult the USDA Natural Resources Conservation Service.

**Column A:** The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service, OR the project site includes prime or unique farmland, but is located in an area committed to urban uses.

**Column B:** Request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands) Document implementation of the Soil Conservation Service recommendations.

#### 10. Environmental Justice [Executive Order 12898]

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Mapping tool: <http://www.epa.gov/emefdata/em4ef.home>

**Actions:** The purpose of Executive Order 12898 is to ensure that there is no disproportionately adverse environmental impact (mainly toxic dumps and nuclear waste facilities) on low income and minority areas due to federal projects. Since there are no agencies or experts to contact to make such a determination, it is presumed that if there is no negative impact in the other areas listed, then there is no impact on Environmental Justice.

**Column A:** The proposed site is suitable for its proposed use and will NOT be adversely impacted by adverse environmental conditions.

**Column B:** Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address and mitigate the disproportional human health or environmental effects adversely affecting the low income or minority populations OR reject the proposal.

#### 11. HUD Environmental Standards

- Noise Abatement and Control [24 CFR 51B]

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Contact the project engineer or other persons knowledgeable about the potential noise impacts of the proposed project. Review a map to determine the location of major roads within 1,000 feet of the project, railroad uses within 3,000 feet and noise contours for airports. Contact the planning director. Also examine large point sources such as parking lots, foundries, metal rendering plants, etc.

**Column A:** The project does not involve development of noise sensitive uses, OR the project is not within line-of-sight of a major or arterial roadway or railroad, OR ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map.

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**E-4a Statutory Worksheet for OOHR Reconstruction (continued)**

**Column B:** Apply the noise standard, per 24 CFR §51.101, to the decision whether to approve the proposal (see §51.104), and implement noise attenuation measures (NAG page 39-40) as applicable.

- **Explosive & Flammable Operations [24 CFR 51C]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Contact the Public Safety Officer, Fire Chief or Planning Director and conduct an on-site inspection.

**Column A:** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assisted Projects Near Hazardous Facilities" (Appendices F & G, pp. 51-52), **OR** the project will expose neither people nor buildings to such hazards

**Column B:** mitigate the blast overpressure or thermal radiation hazard with the construction of a barrier of adequate size and strength to protect the project (per 24 CFR 51.205).

- **Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Mapping Tool: <http://www.epa.gov/emefdata/em4ef.home>

**NOTE:** Federal funds should NOT be used on activities supporting new development for habitation when the area may be affected by toxic chemicals or radioactive materials.

**Actions:** Use the EPA Mapping Tool at the link provided above. Input the project location and consult the "Program Systems" drop down list for Superfund Sites, Toxic Releases, and Hazardous Waste etc. If a "(0)" appears next to all of the listed programs, print map and indicate project location on the Map. No further consultation is necessary. If a number other than "(0)" appears you must click the box for the corresponding program which will plot the hazardous, toxic or radioactive materials facility sites on the map and provide Facility Name, Address and Report information under the map. Click on the "View Report" to verify the current compliance status is "No Violation". If facility is under a current violation or compliance order you will have to do further consultation with the appropriate Federal, state or local oversight agency.

**Column A:** The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes.

**Column B:** Mitigate the adverse environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal.

- **Airport Clear Zones & Accident Potential Zones [24 CFR 51D]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Use the ADOT Arizona Airports link to map your project address and its proximity to airports: <http://www.azdot.gov/maps>  
Contact the closest airport to determine whether the project is considered to lie within a designated civilian airport Runway Clear Zone (RCZ), a military airfield Clear Zone (CZ) or an Accident Potential Zone (APZ).

**Column A:** The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) -or Runway Protection Zone, or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) -Approach Protection Zone, based upon information from the civilian airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ;

**Column B:** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.



### Explanation Of This Form

1. **Notice of Intent to Clear Land.** The majority of the desert plants fall into one of four groups specially protected from theft, vandalism or unnecessary destruction. They include all of the cacti, the unique plants like Ocotillo and trees like Ironwood, Palo Verde, and Mesquite. In most cases the destruction of these protected plants may be avoided if the private landowner gives prior notice to the Arizona Department of Agriculture.
2. **Notice Period.** When properly completed, this form is to be sent to the Department of Agriculture within the time periods described below. Landowners/developers are encouraged to salvage protected native plants whenever possible.
3. **Information to Interested Parties.** The information in this notice will be posted in the applicable state office of the Department of Agriculture and mailed to those parties (salvage operators, re-vegetation experts) who have an interest in these plants and may approach the landowner with the possibility of saving the plant(s) from unnecessary destruction.

#### Notes to Landowner:

1. The owner may not begin destruction of protected native plants until he receives written confirmation from the Arizona Department of Agriculture and the time prescribed below has elapsed. The "Confirmed" stamp only verifies that the Notice has been filed.

**Size of area which the destruction of plants will occur**

Less than one acre  
One acre or more, but less than 40 acres  
40 acres or more

**Length of Notice Period**

20 days, oral or written  
30 days, written  
60 days, written

2. If you are clearing land over an area of less than one acre, oral notice may be given by calling the applicable state office at the telephone number given below.
3. If the land clearing or plant salvage does not occur within one year, a new Notice is required.
4. This Notice must be sent to the applicable state office of the Arizona Department of Agriculture at the address given below:

**Phoenix Office**

1688 W. Adams  
Phoenix, AZ 85007  
Phone: 602/542-4373

**Tucson Office**

400 W. Congress, #124  
Tucson, AZ 85701  
Phone: 520/628-6317

**Yuma Office**

880 E. 24<sup>th</sup> St  
Yuma, AZ 85364  
Phone: 928/317-1345

## E-9 Floodplain Administrative Record and Instructions



### E-9 ADMINISTRATIVE RECORD

Recipient \_\_\_\_\_  
ADOH Contract No. \_\_\_\_\_

#### Executive Order 11988 Floodplain Management

**Note:** Use this form only if the project is located in a floodplain. Each attachment should include the Recipient information at top of this page. Please see the instructions on the next page.

1. Location of Project:
  
2. Floodplain/Wetlands Notice:
  
3. Identification and Evaluation of Alternatives:
  
4. Impact of the Proposed Project:
  
5. Actions to Minimize, Restore, and Preserve:
  
6. Re-evaluation of Proposed Project:
  
7. Public Notice of Decision:
  
8. Implementation.

Prepared by *(insert name and title)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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## Instructions

1. Using the floodplain map number, identify the location in terms of its location in or impact on a floodplain or wetlands.

**EXAMPLE:** S. Verde Park is located in Zone A as identified by the Federal Insurance Rate Map (FIRM), Community Panel, #0509013XXX, dated May 12, 1997, Yawn County.

2. Identify the date the Floodplain/Wetlands Notice was published, along with the newspaper, and attach a copy of the ad.

**EXAMPLE:** The Floodplain/Wetlands Notice (E-P.1) was published on May 1, 2012, in the All the News paper, and a copy of the ad and affidavit of publication are attached.

3. Describe the project and discuss possible alternatives to include: 1) alternative sites; 2) alternative actions (different ways to design the project to result in less environmental damage); and 3) no action.

**EXAMPLE:** Verde Park, which is located between 3rd and 5th streets along Mesquite Avenue, serves the primarily LM neighborhood north of the Highway. It is the only park in that area, but currently is little more than a "weedy lot", as it has no playground equipment, baseball fields, tennis courts or recreation center. All of the undeveloped land north of the Highway in that neighborhood lies within the floodplain. Thus, there is no other location to which this park could be moved. The "no action" alternative would allow the neighborhood to continue its physical and economic decline, as well as deprive the existing primarily LM residents of a quality recreational facility. It is hoped that the architectural design of the park will, if anything, mitigate floodplain problems in the surrounding areas, as excess water can be used to irrigate the park or a retention basin may be included in the park design.

4. Both direct and indirect, positive and negative, and short and long term impacts should be reviewed.

**EXAMPLE** Extensive encroachment within the floodplain already exists as many of the homes, the school and parts of the commercial section of Compliance City were built in the floodplain, some as early as the 1910's and most of the rest between 1940 and 1970. As most of the land in the LM service area is fully developed, the park improvements will not encourage any more building in the area. Rather, these improvements will upgrade the neighborhood, arrest its decline and have a potentially positive impact, as a result of an architectural design which may result in less flooding to some of the City's streets. A telephone conversation between Vera Careful, Compliance City's Contact Person, and Al Knowing, the County's Floodplain Officer, on April 15, 1990, confirmed this information.

5. Describe the steps to be taken to minimize harm (including restoring and preserving the floodplain/wetlands).

**EXAMPLE:** The architect will be requested to ensure that the design mitigates flood damage, and to consult with the County's floodplain officer before implementing the project.

6. Review the information gathered to comply with Steps 3, 4, and 5 and state the decision.

**EXAMPLE:** As stated above, the only practicable alternative, which will not negatively impact on the LM neighborhood North of the highway, is to proceed with the Verde Park improvements, as there is no other land available for park development and no action will contribute to the decline of the area. Further, as most of the area is fully developed and current structures in the floodplain were built a long time ago, no actions relating to this proposed park project can negatively impact on the environment. Thus, all impacts of the project will be primarily beneficial, to include reducing flood damage that is often caused by heavy rains, due to the design of the park, which will mitigate such events.

7. Publish the notice to include the required floodplain language.

**EXAMPLE:** A Concurrent Notice (E-P.5) was published on June 1, 2012, in the All the News, which notified the public of the decision to proceed with this project. A copy is attached.

8. **Project Implementation**

**E-9 SAMPLE Floodplain Administrative Record****U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:****8-STEP PROCESS CASE STUDY EXAMPLE****Case Study Example - Anytown, USA**

--Transitional Housing Program (Project No. WA90-T00-1287)

--Decision Process for E.O. 11988 as Provided by 24 CFR §55.20

**Step 1: *Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).***

This action is located in a 100-year floodplain. One building on the proposed project site is located within AE Zone (area of special flood hazard with water surface elevations determined) and the other two buildings are partially located in an A Zone (area of special flood hazard without water surface elevations determined), as indicated on Flood Insurance Rate Map (FIRM) Panel 16 of 70 no. 5301260026R, revised September 27, 1998. This project is (a) new construction and (b) a multifamily housing project of greater than four units and, for both of these reasons, E.O. 19988 applies. An evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain is required.

The proposed project, Transitional Housing Program, includes acquisition of two parcels and construction of three buildings. Each building would consist of five units located between 3201 and 3401 W Street. The Upper American River system has been a natural floodplain for many years. Therefore, this analysis will consider impacts to the floodway along with concerns for loss of life and property.

**Step 2: *Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.***

A public notice describing the project was published in the Anytown Tribune, the local and regional paper, on September 22, 2008. The ad targeted local residents, including those in the floodplain. A copy of the published notification was kept in the project's environmental review records and attached to this document. The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location and description of the activity, total number of floodplain acres involved, and the HUD official or responsible entity contact for information as well as the location and hours of the office at which a full description of the proposed action can be viewed.

Comments from the public stated both support and opposition to the project. Supporters said the housing was necessary while opponents were concerned with property values and public services. A preliminary analysis performed by the city indicated that property values will not be affected and public services are adequate enough to handle 15 units of housing. One commenter also worried about debris coming from the buildings in the event of a flood. This concern will be addressed through engineering and site planning to minimize any such risk.

**E-9 SAMPLE Floodplain Administrative Record (continued)**

FEMA and city engineers were contacted concerning mitigation requirements of the National Flood Insurance Program (NFIP) as well as local ordinances that must be implemented as part of NFIP.

**Step 3: Identify and evaluate practicable alternatives.**

The Anytown Housing and Redevelopment Agency (AHRA) project site selection criteria are:

- (a) The project can not cause current residents to become displaced;
- (b) The project must be within city limits in order for bond proceeds to be used by the AHRA;
- (c) The project must contain at least twelve units in order to meet community needs.

Anytown considered several alternative sites and actions:

**A. Locate the Project Within the Floodplain**

- 1. Locate the project between 3201 and 3401 W Street

This site meets the requirements of the city's bond and does not displace residents. The project also meets the community's needs of 12 units. However, the project as originally proposed would cause damage to the floodplain and its natural functions by paving areas and obstructing flood zones. Additionally, constructing in a AE Zone would present challenges in building at a foot above the base flood elevation (BFE) and would endanger human life as well as local and federal investment. The cost of elevation and maintaining flood insurance for the building in AE Zone are impracticable.

- 2. Modify the project between 3201 and 3401 W Street

The proposal can be modified to include two, seven-unit buildings with one building moved completely out of special flood hazard areas and a second building partially in the A Zone but elevated in order to minimize adverse impacts to the floodplain, public safety, and public investment. Any development in the unmarked A Zone requires that an expert, using FEMA approved standards, makes a determination and acquires an elevation certificate which states the necessary base flood elevation.

- 3. Locate the project at 3405 Dunder Road

The city proposed developing this site six years ago but met stiff resistance from the community. Another site was then chosen for development. Last year the site was again reviewed. Stiff opposition again resurfaced. The review also showed a storm-water runoff problem and a significant amount of special flood hazard areas. These factors made the site prohibitively expensive for development.

- 4. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)

The city also considered applying for a LOMA but the elevation information certified by a Licensed Land Surveyor/Registered Professional Engineer indicated that the

**E-9 SAMPLE Floodplain Administrative Record (continued)**

lowest adjacent grade (the lowest ground touching the structure) was not at or above the BFE.

A LOMR-F request was also considered but rejected due to a local policy forbidding fill in the floodplain due to the impact it may have on other property owners.

**B. Locate the Project Outside of the Floodplain**

**1. Locate the project at the Mount Vernon Avenue site**

The city had considered an alternative site at 1500 North Mount Vernon Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant amount of wetlands. The cost of the mitigating measures for these environmental impacts, as well as endangered species habitat, made the site prohibitively expensive to develop.

**2. Other sites considered**

Other sites were also considered within the city limits. All of the sites would have either displaced residents who were unwilling to sell or would have placed the project on sites encumbered by wetlands, steep slopes, soil contamination, or other more significant development constraints. A market analysis was performed and concluded no other sites were feasible for development.

**C. No Action or Alternative Actions that Serve the Same Purpose**

A no action alternative was considered and rejected because of a recent city study that found the area in dire need of affordable housing. It showed an increase in homeless families of 35% over the past three years with a concurrent increase in the number of families using homeless shelters more than once a year. The current level of services and facilities in Anytown does not equip the city to help the homeless seeking assistance.

The emergency shelters currently housing families are for emergency use and not designed to meet the needs of homeless families with children. They are intended only for overnight use and do not provide the stability required for a family to function or the specialized services to help bring about independent family living.

The proposed project would provide the housing needed along with space for supportive services with the goal of enabling the families to become independent within a 24 month period.

**E-9 SAMPLE Floodplain Administrative Record (continued)****Step 4: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.**

Locating the project at W Street per the modified proposal will have minimum impacts to the floodplain because the structures will be elevated a minimum of three feet above the BFE and have a footprint designed to minimize these impacts. The design will also minimize potential damage to the property as a result of the flooding. The area has experienced some flooding in the past but never above the proposed elevation.

Loss of life as a result of flooding is the highest priority. FEMA estimates that it would take a warning time of between five and seven hours to safely evacuate people from the area. FEMA also estimates at a flood level of four feet carpeting, curtains, and furnishings would be damaged in the building partially in the floodplain. At five feet above the BFE, the structure will sustain 20-30% damage. At six feet above the BFE, the structure will sustain substantial damage at 50% or more.

The city of Anytown is a member of the National Flood Insurance Program and, therefore, any structure owned by the city that is located in the flood zone must be covered by flood insurance. Even though only one of the buildings is required to have flood insurance, the city will maintain flood insurance for both buildings in order to mitigate any effects of flooding.

In addition to concerns for life and property, the city considered the natural and values of the floodplain. The natural resources of the floodplain include water, biological, and societal resources.

By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources. Hydrologists and engineers were consulted in order to design the building and the site plan in such a way that natural flood and erosion control, water quality, and groundwater recharge are preserved. In addition to the prohibition on impervious surfaces in and directly around the floodplain, the floodplain was preserved through elevation and positioning of the building.

The Fish and Wildlife Service has determined that the construction of the buildings will have no quantifiable impact on plant and animal life. Only native plants are to be used in the floodplain and on the site.

Societal resources were also considered during the design process. The designs are meant to complement the natural features of the area and to offer an aesthetically pleasing structure. The site will not have an effect on agricultural lands and efforts have been made to preserve existing trees on the site. The site will also maintain an open space for recreational opportunities. An easement will be made to the city to allow for construction of a bike path that will serve transportation purposes. The city will also allow the site to be accessible for archaeological, historic, environmental, biological, and other scientific studies should an individual or an organization express interest.

**E-9 SAMPLE Floodplain Administrative Record (continued)**

**Step 5: *Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.***

- (a) Preserving Lives: In order to preserve lives, local law enforcement and the emergency broadcast system will implement an early warning system should flooding conditions arise. In addition to the warning system, law enforcement has an emergency evacuation and relocation plan. The new structures will also be marked with identification marks of past and estimated flooding and the interior common areas will display an evacuation plan. All residents will also be briefed on the location of the flood hazard area and evacuation plans upon placement.
- (b) Preserving Property: In order to preserve property, flood insurance will also be acquired and maintained in order to mitigate possible flood damage. The building will be floodproofed in compliance with FEMA Coastal Standards and the International Residential Code. This includes the use of breakaway walls on the first floor.
- (c) Preserving Natural Values and Minimizing Impacts: By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources. In addition to the prohibition on impervious surfaces in and directly around the floodplain, the floodplain was preserved through elevation and positioning of the building. Swales will be introduced using native vegetation to address drainage impacts and will be placed by biologists and hydrologists with consultation with the U.S. Fish and Wildlife Service. Conservation easement agreements through the United States Department of Agriculture’s Natural Resource Conservation Service will also be entered for nearby wetlands owned by the city. These actions will serve to both restore habitat off and on site while also preserving non-impacted areas to minimize effects. Additionally, the city has implemented a policy of “no net loss” for all wetlands impacts though a restoration and compensatory mitigation program.

**Step 6: *Reevaluate the Alternatives.***

Although the W Street site is in a floodplain, the project has been adapted in order to minimize effects on floodplain values. Additionally, steps were taken in order to minimize risks to human life and property via evacuation plans, construction methods, flood insurance, etc. The estimated annual cost of flood insurance is \$XXXXXXX and the costs of flood-proofing is \$XXXXXX. The city will help the developer with flood-proofing costs, while the developer alone will bear the costs of maintaining the statutorily required flood insurance premiums for the life of the structure in accordance with the Flood Disaster Protection Act of 1973.

The Dunder Road site is even more problematic due to storm-water runoff and floodplain concerns. The floodplain concerns here are worse than those of W Street. Additionally, there is a complete lack of public support to make this a feasible site for the project.

Construction outside of the floodplain at the Mount Vernon site or others is not viable as well. Due to contamination, slope, and other concerns, as well as the requirement that the project be constructed

**E-9 SAMPLE Floodplain Administrative Record (continued)**

within city limits due to bond issues, the W Street site is the only location that satisfies these needs and concerns without displacing residents.

The no action alternative is also impracticable because it will not satisfy the need to provide assistance to local homeless families and provide them with opportunities for independent living.

**Step 7: Determination of No Practicable Alternative**

It is our determination that there is no practicable alternative for partially locating the project in the flood zone. This is due to: 1) the need to provide housing and services to homeless families; 2) the bond requirements to construct within city limits; 3) the desire to not displace residents; 4) the need to construct an economically feasible project; and 5) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A final notice was published detailing the reasons why the modified project must be located in the floodplain, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial floodplain values. No concerns were expressed by the public concerning this notice.

**Step 8: Implement the Proposed Action**

The city will assure that this plan, as modified and described above, is executed and necessary language will be included in all agreements with participating parties. The city will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken. The flood insurance requirement for the life of the property will be realized through the use of a covenant on the property title.

E-10a Sample Letter to SHPO – if NO historical properties will be involved



E-10a Sample Letter to SHPO – if NO historical properties will be involved

Date

Name of SHPO Contact Person
Street Address for SHPO Office
City, State, Zip Code

Re: Project Name
Request for SHPO Concurrence with determination of NO HISTORIC PROPERTIES AFFECTED

Dear Name of SHPO Contact:

The City/Town/County/Agency has been awarded HOME/CDBG/State Housing Trust/Supportive Housing funds from the State of Arizona Department of Housing (ADOH) to undertake Insert Brief Project Description Here. In compliance with the requirements of these funding sources, I am requesting that your office indicate concurrence with the determination of NO HISTORIC PROPERTIES AFFECTED regarding the following project:

- Project Title:
Site Address:
Assessor's Parcel Number (APN):
Approximate Year Built:
Approximate Age of [building/home]:
General description of [building/home]:
Scope of Work to be performed:

Enclosed is a map indicating the project location(s) and exterior photograph(s).

Please indicate your concurrence by signing below and returning this letter to the City/Town/County/Agency; and Address. A return envelope is enclosed for your convenience. Should you require any further information regarding this project, please contact Insert your Name, Phone number and e-mail address.

Thank you for your assistance.

Respectfully,

Insert your Name
Insert your Title

Respondent Signature Date

Agency

REV. 12-2012

E-10a.1 Sample letter to SHPO – Finding of No Historic Properties Affected

E-10a Sample Letter to SHPO – if NO historical properties will be involved

January 16, 2013

Mr. John Smith, State Historic Preservation Officer  
124 Any Street  
Smalltown, AZ 85111

Re: Mytown Community Center  
Request for SHPO Concurrence with determination - NO HISTORIC PROPERTIES  
AFFECTED

Dear Mr. Smith:

The City of Mytown has been awarded CDBG funds from the State of Arizona Department of Housing (ADOH) to undertake a community facility improvement project. In compliance with the requirements of these funding sources, I am requesting that your office indicate concurrence with the determination of NO HISTORIC PROPERTIES AFFECTED regarding the following project:

<b>Project Title:</b>	<b>Mytown Community Center Improvements</b>
<b>Site Address:</b>	<b>111 Guess Who S., Mytown AZ</b>
<b>Assessor's Parcel Number (APN):</b>	<b>145-66-789</b>
<b>Approximate Year Built:</b>	<b>1985</b>
<b>Approximate Age of [building/home]:</b>	<b>26years</b>
<b>General description of [building/home]:</b>	<b>3000 square foot two story, federal style, red brick with pitched asphalt shingle roofing and single pane windows with wood trim and shutters</b>
<b>Scope of Work to be performed:</b>	<b>Replacement of HVAC system and windows for entire center.</b>

Enclosed is a map indicating the project location(s) and exterior photograph(s).

Please indicate your concurrence by signing below and returning this letter to the City of Mytown, ATTN: Ms. Susie Expert, Grants Coordinator, 222 Guess Who St., Mytown AZ 85987. A return envelope is enclosed for your convenience. Should you require any further information regarding this project, please contact Ms. Expert, (999)111-2222 or [Susie.Expert@Mytownaz.gov](mailto:Susie.Expert@Mytownaz.gov).

Thank you for your assistance.

Respectfully,

*Susie Expert*

Susie Expert  
Grants Coordinator

\_\_\_\_\_  
Respondent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agency

**E-10a.2 Sample Letter to SHPO – Non Building Related Project**

**E-10a.2 – Sample Letter to SHPO for Non Building Related Projects**

January 31, 2013

Mr. John Smith, State Historic Preservation Officer  
124 Any Street  
Smalltown, AZ 85111

RE: Street Improvements – Guess Who Street, Mytown AZ  
Request for SHPO Concurrence with determination - NO HISTORIC PROPERTIES AFFECTED

Dear Mr. Smith,

The City of Mytown has been awarded federal CDBG funds from the Arizona Department of Housing (ADOH) to undertake a street improvements project. In compliance with the requirements of this funding source, I am requesting that your office indicate concurrence with the determination of NO HISTORIC PROPERTIES AFFECTED regarding the following project:

<b>Project Title:</b>	Guess Who St. – Improvements
<b>Project Location:</b>	Mytown, AZ. Guess Who Street between Idaknow and Geezlouise Avenues
<b>Scope of Work:</b>	200 linear feet of construction of sidewalk, curb and gutter as well as asphalt street reconstruction on Guess Who Street in a residential area which currently has no street infrastructure between Idaknow and Geezlouise Avenues. No housing or other buildings of exceptional historical significance will be affected.

Enclosed is a map indicating the project location as well as photographs of the project site.

Please indicate your concurrence by signing below and returning this letter to the City of Mytown, ATTN: Ms. Susie Expert, Grants Coordinator, 222 Guess Who St., Mytown AZ 85987. A return envelope is enclosed for your convenience. Should you require any further information regarding this project, please contact Ms. Expert at (999)111-2222 or [Susie.Expert@Mytownaz.gov](mailto:Susie.Expert@Mytownaz.gov).

Thank you for your assistance.

Respectfully,

*Susie Expert*

Susie Expert  
Grants Coordinator

_____	_____
Respondent Signature	Date

\_\_\_\_\_  
Agency

**E-10a.3 SHPO Concurrence Letter – No Consultation Required on Pre-1974 Mobile Homes undergoing Housing Rehabilitation/Replacement**

*SHPO-2013-0607(112506)*

JANICE K. BREWER  
Governor

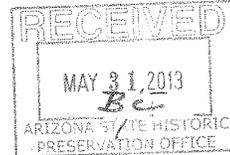


MICHAEL TRAILOR  
Director

**STATE OF ARIZONA  
DEPARTMENT OF HOUSING**

1110 WEST WASHINGTON, SUITE 310  
PHOENIX, ARIZONA 85007

(602) 771-1000 WWW.AZHOUSING.GOV  
FAX: (602) 771-1002



May 29, 2013

Mr. James Garrison, State Historic Preservation Officer  
Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

Re: SHPO Concurrence with determination of No SHPO Consultation required for Pre 1974 Mobile Homes assisted thru CDBG and HOME funded Owner Occupied Housing Rehabilitation.

Dear Mr. Garrison:

The State of Arizona, Department of Housing(ADOH) frequently awards HOME, CDBG and State Housing Trust funds to various units of local government and non-profits to undertake owner occupied housing rehabilitation and housing replacement for single family residences including mobile homes throughout the state. It is our determination that Pre 1974 Mobile Homes cannot be preserved as they do not meet the HUD Codes established in 1974 and therefore SHPO consultation is not necessary. In compliance with the requirements of these funding sources, I am requesting that your office indicate concurrence that Pre 1974 Mobile Homes do not require a SHPO consultation for Environmental Review records purposes.

Please indicate your concurrence by signing below and returning this letter to ADOH. A return envelope is enclosed for your convenience. Should you require any further information regarding this project, please contact Katherine E. Blodgett, CD&R Programs Administrator at (602) 771-1021 or by e-mail at [Kathy.Blodgett@azhousing.gov](mailto:Kathy.Blodgett@azhousing.gov).

Thank you for your assistance.

Respectfully,  
  
Katherine E. Blodgett  
CD&R Programs Administrator

*No historic properties affected*  
*William Collins* 6/10/2013  
Respondent Signature Date

*William Collins Dept of SHPO*  
Respondent Name and Title

**E-10b Sample Letter**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Re: Environmental Review**

Dear \_\_\_\_\_:

The \_\_\_\_\_ has been awarded \_\_\_\_\_ funds from the State of Arizona Department of Housing (ADOH) to undertake \_\_\_\_\_, the project described in the attachment.

Enclosed \_\_\_\_\_. In order to complete the Environmental Review Record we are requesting that you review the proposed project to determine if any actions are required to comply with regulations within the purview of your office or jurisdiction. Your earliest response would be appreciated.

If we do not receive a response by [35 days from date of letter], we shall assume that your agency does not wish to comment on this project and mitigating actions are not required. If you wish, for your convenience, you may respond by checking one of the boxes below and returning this letter. If you have any questions regarding this letter or the project, please contact \_\_\_\_\_.

Thank you for your assistance.

Respectfully,

\_\_\_\_\_

\_\_\_\_\_

Encl. a/s

cc: ERR File

The proposed project does not require a mitigating action.

The proposed project does require mitigating action, please see attached.

\_\_\_\_\_  
Signature of Respondent

**E-11 Environmental Assessment Checklist**



**E-11 Compliance Factor and Environmental Assessment Checklist**

Project Name: \_\_\_\_\_

Recipient: \_\_\_\_\_

**A. 24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS**

PROJECT NAME and DESCRIPTION – Include all contemplated actions that logically are either geographically or functionally part of the project: [Insert Scope of Work]

**DIRECTIONS** - Check "A" in the Status Column when the project, by its nature, does not affect the resources under consideration; OR check "B" if the project triggers formal compliance consultation with the oversight agency, or requires mitigation. Compliance documentation must contain verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as appropriate. See instructions for additional guidance.

**B. Compliance Factors:**

Statutes, Executive Orders, and Regulations Listed at 24 CFR §58.5	Status A/B	Compliance Determination and Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) MUST BE CITED
1. Historic Preservation (includes archeology & relevant Tribes) [36 CFR Part 800]	<input type="checkbox"/> <input type="checkbox"/>	
2. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/> <input type="checkbox"/>	
3. Wetland Protection [ Executive Order 11990]	<input type="checkbox"/> <input type="checkbox"/>	
4. Coastal Zone Management Act [Sections 307(c), (d)]	<input checked="" type="checkbox"/> <input type="checkbox"/>	Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.
5. Sole Source Aquifers [40 CFR 149]	<input type="checkbox"/> <input type="checkbox"/>	
6. Endangered Species Act [50 CFR 402]	<input type="checkbox"/> <input type="checkbox"/>	
7. Wild and Scenic Rivers Act. [Sections 7(b), and (c)]	<input type="checkbox"/> <input type="checkbox"/>	
8. Clean Air Act [ Sections 176(c), (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/> <input type="checkbox"/>	
9. Farm Land Protection Policy Act [ 7 CFR 658]	<input type="checkbox"/> <input type="checkbox"/>	
10. Environmental Justice [Executive Order 12898]	<input type="checkbox"/> <input type="checkbox"/>	

E-11 Environmental Assessment Checklist (continued)

Statutes, Executive Orders, and Regulations Listed at 24 CFR §58.5	Status A/B		Compliance Determination and Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) MUST BE CITED
11. HUD Environmental Standards Noise Abatement and Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
Explosive & Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
Airport Clear Zones & Accident Potential Zones [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	

**C. Environmental Assessment Checklist**

Indicate the relevant impact code and cite all supporting documentation. Refer to the Instructions for further guidance. The impact codes are as follows:

**Impact Code:**

- |                           |                                  |
|---------------------------|----------------------------------|
| 1. No Impact Anticipated  | 4. Requires Mitigation           |
| 2. Potentially Beneficial | 5. Requires project modification |
| 3. Potentially Adverse    |                                  |

Impact Categories	Impact Code	Supporting Documentation MUST be cited (phone calls, letters, on-site visits etc.)
-------------------	-------------	--

**LAND DEVELOPMENT**

1. Conformance with Comprehensive Plans and Zoning		
2. Compatibility and Urban Impact		
3. Slope		
4. Erosion		
5. Soil Suitability		
6. Hazards and Nuisances including site safety		
7. Energy Consumption		

E-11 Environmental Assessment Checklist (continued)

Impact Categories	Impact Code	Supporting Documentation MUST be cited (phone calls, letters, on-site visits etc.)
8. Noise – contribution to Community Noise Levels		
9. Air Quality – Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels		
10. Environmental Design Visual Quality- Coherence, Diversity, Compatible Use and Scale		

**SOCIOECONOMIC**

11. Demographic Character Changes		
12. Displacement		
13. Employment and Income Patterns		

**COMMUNITY FACILITIES AND SERVICES**

14. Educational Facilities		
15. Commercial Facilities		
16. Health Care		
17. Social Services		
18. Solid Waste		
19. Wastewater		
20. Storm Water		

**E-11 Environmental Assessment Checklist (continued)**

21. Water Supply		
22. Public Safety		
Police		
Fire		
Emergency Medical		
23. Open Space		
Open Space		
Recreation		
Cultural Facilities		
24. Transportation		

**NATURAL FEATURES**

25. Water Resources		
26. Surface Water		
27. Unique Natural Features and Agricultural Lands		
28. Vegetation & Wildlife		

**OTHER FACTORS**

29. Flood Disaster Protection Act (Flood Insurance) [§58.6(c)]		
30. Coastal Barrier Resources Act/Coastal Barrier Improvement Act. [§58.6(c)]	1	Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.
31. Airport Runway Clear Zone Disclosure [§58.6(d)]		

**32. SUMMARY OF FINDINGS AND CONCLUSIONS**

(Summarize the findings and conclusions from the checklist items 1 thru 31)

**E-11 Environmental Assessment Checklist (continued)**

**33. ALTERNATIVES TO THE PROPOSED ACTION**

**Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]**

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment and the reasons for rejecting it.)

**34. No Action Alternative [24 CFR 58.40(e)]**

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative.)

**35. Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]**

(Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

**36. Additional Studies Performed**

(Attach studies or summaries.)

[insert list of attached studies]

37. a. The project is in compliance with applicable laws and regulations.  Yes  No

b. An EIS is required.  Yes  No

c. A Finding of No Significant Impact (FONSI) can be made because the project will not significantly affect the quality of the human environment.  Yes  No

Prepared by *(insert name and title)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

E-11 Environmental Assessment Checklist (*continued*)

**INSTRUCTIONS FOR PARTS A AND B**

**A.** Insert the Scope of Work for the proposed project in the blank provided including the project location or area of potential effect (APE).

**B.** Compliance Factors: Statutes, Executive orders, and Regulations listed at 24 CFR §58.5.

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (RE) must make a determination of whether the proposal achieves compliance with each applicable statute, Executive Order, or regulation with or without requiring formal consultation, mitigation, permits, or having adverse effects on the resources protected by the statute. (These instructions are a brief description of essential findings needed to establish compliance. THEY DO NOT REPLACE THE APPLICABLE REGULATIONS. Applicable regulations take precedence over these brief instructions). The preparer of the Statutory Worksheet must DOCUMENT OR ATTACH THE SOURCES OF THE DETERMINATION.

**Record the finding status on the STATUTORY WORKSHEET for each listed federal statute, regulation, authority as follows (check only one – A or B):** Status “A” applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation, **AND** when no formal consultation, permit or agreement is required to establish compliance. In these situations, check “A” box in the STATUTORY WORKSHEET status column. Status “B” applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. If column “B” is checked, the recipient will have to identify and complete additional steps or formal procedures prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

**Compliance Determination & Documentation (letters, phone calls, on-site visit dates, maps, websites etc.) MUST BE CITED.** Identify supporting documentation for each statute, in the form of: letters sent to agencies/organizations and their replies; documented phone calls (include date, person contacted, person placing the phone call, questions asked, responses); maps or plans (and their location if they are not in the ERR); website addresses and the research obtained from those sites; dates of on-site visits, persons conducting such visits, and their expertise to make the determination. In most instances this column will reference attachments to the E-4 form. (See ERR Handbook Section 2.3 for more information about source documentation.)

**1. Historic Preservation (includes archeology & relevant Tribes)[36 CFR Part 800]**

(See also ERR Handbook Section 9 which describes the Advisory Council Procedures on Historic Preservation, also known as the Section 106 process.)

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** a) define the Area of Potential Effect (APE); b) solicit input from those with local historic interests (if applicable) AND from the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) as well as relevant tribes (as found on TDAT <http://egis.hud.gov/tdat/Tribal.aspx>); c) conduct an on-site review of the APE; d) document at a minimum whether the APE is associated with significant historical events or people; if the APE embodies distinctive characteristics of a type, period or method of construction; represents the work of a master craftsman; possesses high artistic value or is architecturally distinctive; is likely to yield information important in prehistory or history; is part of a district that possesses distinctive characteristics, integrity of location, design, setting, materials, workmanship, feeling or association. Consultation with the SHPO/THPO may extend the time necessary for completing the ERR. The SHPO/THPO must be allowed 35 days from receipt of the documents to comment on the proposed activity or 45 days if the project is determined eligible for the NR. SHPO/THPO documents should be sent certified mail with return receipt to document the SHPO/THPO receipt date. A.R.S. §41-865 requires that Recipients contact The Arizona State Museum if village ruins or burial grounds are thought to exist at the project site or if such are identified by the SHPO/THPO. If you have local historic preservation committee, it is recommended that they be given a courtesy consultation/notification.

**Column A:** The Recipient and SHPO/THPO agree that there are no National Register (NR) or NR-eligible properties or properties with traditional religious and cultural importance within the Area of Potential Effect (APE) affected per 36 CFR 800.4, OR the Recipient and SHPO/THPO agree that the project will have no effect on NR or NR-eligible properties, or properties with

**E-11 Environmental Assessment Checklist (continued)**

traditional religious and cultural importance within the APE OR SHPO has not objected within 35 days from the signed certified receipt to such fully documented determination

**Column B:** The project will have an effect on NR or NR-eligible properties or properties with traditional religious and cultural importance within the APE. Consult with SHPO/THPO. See ERR Handbook Section 9 which describes the additional actions to be taken including contacting the National Advisory Council on Historic Preservation, and allowing 45 days for a response.

**2. Floodplain Management [24 CFR 55, Executive Order 11988]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

FEMA Maps: <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>

**Actions:** Review FEMA Flood Hazard Boundary Map or Flood Insurance Rate Map. Cite map number and include a copy of the map. If floodplain map is not available for your project area, contact Arizona Department of Water Resources and the City/Town/County Engineer or local Flood Control Agency.

**Column A:** The project does not involve property acquisition, management, construction or improvements within a 100-year floodplain (Zones A or V) identified by FEMA maps, and does not involve a "critical action" (e.g., emergency facilities, facility for mobility impaired persons, hospital etc.) within a 500 year floodplain (Zone B).

**Column B:** The project lies within or will impact on a 100 year floodplain for a critical action or a 500 year floodplain for a critical action. Complete the 8-step decision making process (Form E-9) according to 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposal and to mitigate effects of the project in a floodplain.

See ERR Handbook Section 8 for further information.

**3. Wetland Protection [ Executive Order 11990]**

Guidance: <http://www.fws.gov/wetlands/Data/index.html>

**Actions:** Review the U.S. Fish and Wildlife website above for wetland mapping. Include a copy of the map with the project location. If your project location is not available on the website, contact the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. If cut and fill will occur in a waterway, a Corps of Engineers 404 permit may be necessary, particularly if such work may affect wetlands. If the project takes place in or on any existing buildings, do not contact the U.S. Army Corps of Engineers

**Column A:** The project does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers.

**Column B:** The project lies within or will affect a wetland. Complete the 8-step decision making process (Form E-9) in 24 CFR 55.20 to document there are no practicable alternatives and to mitigate effects of the project on wetlands and publish the Prior Notice (Form E-P.1). Such action also requires obtaining a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act.

NOTE: If clearing of undeveloped land, a change of landscape features, or work on structures in or affecting the waters of the U.S. is proposed, contact the U.S. Army Corps of Engineers with a letter describing the activity so it may determine if a Clean Water Act or River and Harbor Act permit is required. Waters of the United States include wetlands, lakes, reservoirs, rivers, streams, dry stream beds, arroyos, washes, and other ephemeral watercourses.

**4. Coastal Zone Management Act [Sections 307(c), (d)]**

NOTE: Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.

**Column A:** This box has been checked for you.

**Column B:** This box is not applicable for projects located in the State of Arizona.

E-11 Environmental Assessment Checklist (*continued*)**5. Sole Source Aquifers (Safe Drinking Water Act) [40 CFR 149]**Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>Maps: <http://www.epa.gov/region9/water/groundwater/ssa.html>

NOTE: There are 2 EPA designated sole source aquifers identified in Arizona including portions of Pima, Pinal, Santa Cruz and Cochise counties.

Per the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990, if the project activity does not lie in Pima, Pinal, Santa Cruz or Cochise counties, referral to EPA for comment is not necessary. Additionally, referral to EPA for comment is not necessary if the project activity **does lie** within one of these four counties but **does not involve** the following:

1. Agricultural activities including but not limited to land related operations employed in the production, raising, processing and marketing of crops or livestock;
2. Construction of (or addition to) residential, commercial or industrial projects, or public facilities or land developments whose sanitation facilities will consist of individual disposal systems (cesspools, septic tanks with leach fields or seepage pits), or community sewerage systems (owned either privately or by a homeowners association), or a proposed (i.e. not yet in place) publicly owned piped sanitary sewer system, the discharge from which will terminate within the watershed of the aquifer;
3. The preparation of an Environmental Impact Statement (EIS);
4. Existing or proposed industrial projects which manufacture, store, transport or dispose of toxic chemicals or radioactive materials;
5. Acquisition of a site intended to be used for a sanitary landfill and its operation, or closure of a sanitary landfill;
6. Construction or abandonment of a water well; or
7. Facilities which dispose of their waste water in either dry wells, retention ponds, or by other methods not employing a treatment plant.

**Actions:** If the project **does involve** any of the activities listed above (1 through 7), then the project must be referred to EPA for review/comments.

**Column A:** The project is not located within a U.S. EPA-designated sole source aquifer watershed area per EPA Ground Water Office, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990 **OR** the EPA concurs the project has no impact.

**Column B:** The project is located within a U.S. EPA designated sole source aquifer area, involves one of the above seven actions identified in the MOU of 1990 and the EPA has determined there is an impact. Consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Document implementation of actions recommended by EPA or other appropriate authority to resolve the situation.

**6. Endangered Species Act [50 CFR 402]**Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>Endangered species data: <http://www.fws.gov/endangered/>

**Actions:** Contact the Arizona Fish and Game and U.S. Fish and Wildlife Service, or a biologist at a local college or university.

**Column A:** The RE documents that the proposal will have "no effect" or "is not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify designated critical habitats. This finding is to be based on the review of designated critical habitats, contact with the U.S. Fish and Wildlife Service (US FWS) or National Marine Fisheries Service (NMFS), or by special study completed by a biologist or botanist. A determination of "no effect" based on the well-documented absence of listed species and critical habitats does not require U.S. FWS concurrence.

**Column B:** Consult with the U.S. FWS or with the NMFS, as appropriate, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded "major construction" activities and anytime a "likely to adversely affect" determination is made. Document implementation of actions recommended by the Fish and Game/Wildlife Service or other authorities consulted, or reasons for non-implementation.

**E-11 Environmental Assessment Checklist (continued)**

**7. Wild and Scenic Rivers Act [Sections 7(b), and (c)]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Maps and data: <http://www.rivers.gov/>

NOTE: The only rivers outside of Pima and Maricopa County that have been so designated are the Verde River from Camp Verde to about 2 miles south of Table Mountain and Fossil Creek which flows from the Mogollon Rim near Strawberry and meets the Verde River. However, it is recommended that consultation should occur regarding any project that will take place in close proximity to any free-flowing river.

**Actions:** If applicable, contact the Prescott National Forest and Tonto National Forest, or the National Park Service, Western Regional Office. If not applicable, document the file with a map indicating the location of the project in relation to any free-flowing rivers.

**Column A:** The project is not located within one mile of a listed Wild and Scenic River, OR the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system

**Column B:** The project is located within one mile of a listed Wild and Scenic River, OR the project will have an impact. Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation. Document the implementation of National Forest Service recommendations.

**8. Clean Air Act (Air Quality) [ Sections 176(c), (d), and 40 CFR 6. 51, 93]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Non-Attainment area data: <http://www.epa.gov/oaqps001/greenbk/>

**Actions:** Contact the Arizona Department of Environmental Quality, Office of Air Quality.

**Column A:** The project is located within an "attainment" area, OR, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the Arizona Department of Environmental Quality (DEQ), Office of Air Quality, AND the project requires no individual NESHAP permit or notification

**Column B:** Negotiate suitable mitigation measures with DEQ, obtain necessary permits, and issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed during rehabilitation/demolition activities in multi-family properties). Document the implementation of DEQ recommendations. If the issues are transportation related, priority must be given to implementing those portions of the SIP to achieve and maintain national primary air quality standards.

**9. Farm Land Protection Policy Act [ 7 CFR 658]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Census Maps: <http://www.census.gov/geo/maps-data/maps/2010ua.html>

NOTE: If the project is NOT acquisition of undeveloped land, new construction or conversion then the FLPP Act does not apply. The Act does not apply to land already in or committed to urban development or those that could otherwise not convert farmland to non-agricultural uses.

**Actions:** Determine if your project is considered "developed" for the purpose of FLPP by consulting U.S. Census Urban Areas Maps. If you cannot find your project location on one of these maps, consult the USDA Natural Resources Conservation Service.

**Column A:** The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service, OR the project site includes prime or unique farmland, but is located in an area committed to urban uses.

**Column B:** Request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands) Document implementation of the Soil Conservation Service recommendations.

**10. Environmental Justice [Executive Order 12898]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**E-11 Environmental Assessment Checklist (continued)**

Mapping tool: <http://www.epa.gov/emefdata/em4ef.home>

**Actions:** The purpose of Executive Order 12898 is to ensure that there is no disproportionately adverse environmental impact (mainly toxic dumps and nuclear waste facilities) on low income and minority areas due to federal projects. Since there are no agencies or experts to contact to make such a determination, it is presumed that if there is no negative impact in the other areas listed, then there is no impact on Environmental Justice.

**Column A:** The proposed site is suitable for its proposed use and will NOT be adversely impacted by adverse environmental conditions.

**Column B:** Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address and mitigate the disproportional human health or environmental effects adversely affecting the low income or minority populations OR reject the proposal.

**11. HUD Environmental Standards**

• **Noise Abatement and Control [24 CFR 51B]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Contact the project engineer or other persons knowledgeable about the potential noise impacts of the proposed project. Review a map to determine the location of major roads within 1,000 feet of the project, railroad uses within 3,000 feet and noise contours for airports. Contact the planning director. Also examine large point sources such as parking lots, foundries, metal rendering plants, etc.

**Column A:** The project does not involve development of noise sensitive uses, OR the project is not within line-of-sight of a major or arterial roadway or railroad, OR ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map.

**Column B:** Apply the noise standard, per 24 CFR §51.101, to the decision whether to approve the proposal (see §51.104), and implement noise attenuation measures (NAG page 39-40) as applicable.

• **Explosive & Flammable Operations [24 CFR 51C]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Contact the Public Safety Officer, Fire Chief or Planning Director and conduct an on-site inspection.

**Column A:** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assisted Projects Near Hazardous Facilities" (Appendices F & G, pp. 51-52), OR the project will expose neither people nor buildings to such hazards

**Column B:** mitigate the blast overpressure or thermal radiation hazard with the construction of a barrier of adequate size and strength to protect the project (per 24 CFR 51.205).

• **Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

Mapping Tool: <http://www.epa.gov/emefdata/em4ef.home>

NOTE: Federal funds should NOT be used on activities supporting new development for habitation when the area may be affected by toxic chemicals or radioactive materials.

**Actions:** Use the EPA Mapping Tool at the link provided above. Input the project location and consult the "Program Systems" drop down list for Superfund Sites, Toxic Releases, and Hazardous Waste etc. if a "(0)" appears next to all of the listed programs, print map and indicate project location on the Map. No further consultation is necessary. If a number other than "(0)" appears you must click the box for the corresponding program which will plot the hazardous, toxic or radioactive materials facility sites on the map and provide Facility Name, Address and Report information under the map. Click on the "View Report" to verify the current compliance status is "No Violation". If facility is under a current violation or compliance order you will have to do further consultation with the appropriate Federal, state or local oversight agency.

**E-11 Environmental Assessment Checklist (continued)**

**Column A:** The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes.

**Column B:** Mitigate the adverse environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal.

• **Airport Clear Zones & Accident Potential Zones [24 CFR 51D]**

Guidance: <https://www.onecpd.info/environmental-review/federal-related-laws-and-authorities/>

**Actions:** Use the ADOT Arizona Airports link to map your project address and its proximity to airports: <http://www.azdot.gov/maps> Contact the closest airport to determine whether the project is considered to lie within a designated civilian airport Runway Clear Zone (RCZ), a military airfield Clear Zone (CZ) or an Accident Potential Zone (APZ).

**Column A:** The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) -or Runway Protection Zone, or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) -Approach Protection Zone, based upon information from the civilian airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ;

**Column B:** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

**PART C. GUIDANCE QUESTIONS FOR ENVIRONMENTAL ASSESSMENT**

**1. Conformance with Comprehensive Plans and Zoning**

**CONCERNS:** Is the proposal consistent with the completed components of local plans and supporting zoning? If not and the project is to continue, provide a supporting discussion explaining the decision basis. Identify areas where the project may conform to local planning objectives. Identify any anticipated functional conflicts and plans for mitigation where necessary.

**ACTION:** Contact the local planning and zoning official.

**2. Compatibility and Urban Impact**

**CONCERNS:** Covers such concerns as incompatible land use due to opposing functional needs or encroachment tendencies of one use upon another, (overcrowding of buildings on the land, non-conforming land use, non-conforming building use, inducing excess traffic, causing excess noise and similar day-to-day functional demands). If a project locates water/sewer lines in a base flood hazard zone, will it induce development into such a hazardous area? Will secondary impacts occur such as encouraging urban sprawl prior to development of an applicable growth management plan and supportive zoning? Would the project impose new development into an existing neighborhood that would aggravate the transitional character of the neighborhood or increase new unwanted intrusions (introduction of off-street or on street parking, introduction of lighting to a park to encourage night use of the park area where not previously found)?

**ACTION:** Contact the local planning department or review the site.

**3. Slope**

**CONCERNS:** If applicable, the following slope issues should be examined; (1) evidence of mud slides or other earth movement, (2) evidence of slump occurrences, (3) neighboring retaining walls tilting from possible past earth movement or that might indicate conditions prone to sliding.

**ACTION:** Contact the project engineer.

**E-11 Environmental Assessment Checklist (continued)**

**4. Erosion**

**CONCERNS:** If applicable the following erosion issues should be examined: (1) is the area impacted by excessive erosion, (2) Is there evidence of excessive erosion on the site, (3) will storm runoff impact the site by causing excessive erosion and if so is it mitigated by site improvements, (4) Does the soils report or local development review body identify issues with erosion, (5) is soil stabilization required as part of the permitting process.

**ACTION:** Contact the project engineer, contact the local planning and engineering department, conduct a visual assessment of the site, review and cite the soils report.

**5. Soil Suitability**

**CONCERNS:** If applicable the following soil suitability concerns should be examined: (1) is the area impacted by fissures, expansive soils or other destabilizing conditions, (2) Does the soils report or local development review body indicate that the soils are suitable for the proposed use and if not how are the soils being modified and augmented to ensure suitability, (3) is soil stabilization required as part of the permitting process.

**ACTION:** Contact the project engineer, contact the local planning and engineering department, conduct a visual assessment of the site, review and cite the soils report.

**6. Hazards and Nuisances including Site Safety**

**CONCERNS:** Form E-4 requires an examination for potential danger to project beneficiaries from exposure to hazards such as sanitary and hazardous waste landfills, toxic chemical dumps, uranium mill tailings and other radioactive materials in nearby lands. In addition, an evaluation of explosive and flammable or fire-prone hazards is required. Other hazards include the presence of rodent infestation; nuisances from odors; glare, dust; vibration; inadequate street lighting; improperly screened drains or catchments; abandoned-dilapidated buildings improperly boarded-up; unscreened quarries or other excavation works; dangerous intersections; hazardous; unrepaired street conditions; street pounding causing nuisance ingress and egress problems to the project area; and similar safety concerns.

**ACTION:** Contact the Arizona Department of Health Services; Department of Environmental Quality. Conduct a visual review of the site.

**7. Energy Consumption**

**CONCERNS:** Energy consumption is viewed in a two-fold manner: (1) energy consumed directly by the facility to be constructed as to heating and cooling, hot water and, (2) energy consumed indirectly or induced by the facility, consumed chiefly in the transportation of people and goods to and from the project.

**ACTION:** Contact the project architect, engineer, or the Arizona Energy Office.

**8. Noise (Contribution to Community Noise Levels)**

**CONCERNS:** Will the proposed *project* create excessive noise for the 'noise sensitive areas' around it? (For example, if the project is a manufacturing business, is it likely to create unwanted noise for the libraries, hospitals, or housing in the area, especially between the hours of 10 pm & 8 am?)

**ACTION:** Contact the project engineer or other persons knowledgeable about the potential noise impacts of the proposed project.

**9. Air Quality (Effects of Ambient Air Quality on Project and Contributions to Community Pollution Levels)**

**CONCERNS:** Consideration of air quality involves both analyzing the impact of the proposed project on air quality in the community and the impact of the existing environment on the proposed project forecasting. It depends on project size, type and its location (i.e., the suitability of the particular location for the type of project planned. Such consideration might, for example, argue against siting elderly housing adjacent to an expressway.

**ACTIONS:** Contact the Arizona Department of Environmental Quality – Office of Air Quality

**10. Environmental Design (Visual Quality- Coherence, Diversity, Compatible Use and Scale)**

**CONCERNS:** Will the project cause the noticeable deterioration or physical alteration of the natural landscape without comparable mitigation? Will there be an intrusion of elements out of character, size, scale or setback? Will the project alter established vistas and views, enclosed or open? Will landmarks or focal points become obscured by the project proposal? Will established pathways, bikeways or trails be impaired? Are complimentary features established to existing distinguishing landmarks or development features in the impact area of the project? Will unique building groups be impaired visually by project?

**ACTION:** Contact the project architect or engineer.

**11. Demographic Character Changes**

**E-11 Environmental Assessment Checklist (continued)**

**CONCERNS:** Demographic (distribution of commonly identified segments of the population) characteristics can provide an indication of the special needs of various segments of the population. Consider the following questions: Will the project measurably alter the tenant-owner status of the area? Will special services be needed, i.e., relocation services, home maintenance counseling or assistance? Will certain segments of the population become isolated by the project, i.e., elderly low-income? What affect will the project have on the vacancy ratio? Will special social services created by the population composition changes be needed in the project impact area, i.e. job counseling, youth services, elderly services, child-care, visiting nursing service?

**ACTION:** Contact the local planning department and social service agencies.

**12. Displacement**

**CONCERNS:** Will the project displace individuals, families or businesses? If so, are relocation services available? If necessary, are appropriate relocation resources available?

**ACTION:** Contact the local Public Housing Authority and the Recipient itself.

**13. Employment and Income Patterns**

**CONCERNS:** Will the project create favorable or unfavorable conditions for expansion of commercial or industrial business life? Will project area residents directly benefit? Will there be negative impacts on the project area's residential life? Will employment opportunities be available to the locally unemployed or under-employed? Will there be more entrepreneurial opportunities available to local population? Will the housing stock be affected if a high number of new, outside employees are imported?

**ACTION:** Contact the local planning and zoning official.

**14. Educational Facilities**

**CONCERNS:** Will the project impact on the local schools? Is sufficient capacity available? Does the project affect safe access to existing schools? Has the school been informed of the project? Are special education services needed?

**ACTION:** Contact the local school board office.

**15. Commercial Facilities**

**CONCERNS:** Will the project impact on commercial service facilities? Are additional commercial services needed to assure that project area residents have a full range of services at competitive prices? Do project beneficiaries have convenient and safe access to a full range of commercial services?

**ACTION:** Contact the local planning and zoning official.

**16. Health Care**

**CONCERNS:** Do project beneficiaries have any unrecognized health service needs, i.e., emergency medical services, ambulance service, visiting health service for the elderly or homebound?

**ACTION:** Contact local health agencies.

**17. Social Services**

**CONCERNS:** Will the project objectives be influenced by the availability or the lack of special social services, i.e., children support groups, childcare centers, family counseling services, services for the elderly? Is there a need for youth recreation centers?

**ACTION:** Contact local social service agencies.

**18. Solid Waste**

**CONCERNS:** Will the project generate substantial amounts of solid waste? Can the local disposal system adequately service the proposed development over its expected lifetime? Is collection service adequate? Are there any local concerns as to potential health threats from collection practices or from the solid waste disposal facility? Is recycling of project-generated solid waste practicable?

**ACTION:** Contact the project architect and local solid waste disposal service.

**19. Wastewater**

**CONCERNS:** If applicable, will the existing wastewater treatment system and facilities adequately service the proposed project? Will the project cause the design capacity to be exceeded? Will project residents or beneficiaries be adversely affected by a wastewater treatment facility? Is the wastewater treatment plant serving residents approved by appropriate health officials?

**ACTION:** Contact the project architect, engineer, and the Arizona Department of Environmental Quality.

**20. Storm Water**

**E-11 Environmental Assessment Checklist (continued)**

**CONCERNS:** If applicable, will the existing or planned storm water disposal and treatment system adequately service the project or project beneficiaries? Will the project cause an overload of the design capacity of the storm water facilities? Are the project beneficiaries subject to temporary flooding or ponding impacts in terms of impairment of access to their residences?  
**ACTION:** Contact the project engineer or architect.

**21. Water Supply**

**CONCERNS:** Is there a potable water supply available for project beneficiaries? Is it periodically inspected by health authorities?

**ACTIONS:** Contact the local water utility and the Arizona Department of Environmental Quality.

**22. Public Safety (Police, Fire, Emergency Medical)**

**CONCERNS:** Are the project beneficiaries adequately serviced by police, fire, and emergency services? Is there 24-hour police patrol service? Are special plans needed for added staff or a special project-related security system? Is the crime rate in the project area characterized by any unique manifestations requiring special services, i.e., a high instance of drug use by teenagers, breaking and entering, street crimes?

Is the access time of fire vehicles to the project area in accord with local standards? Are the building materials in the project area in compliance with local fire codes? Are fire hydrant locations located in accord with local development criteria? Is there firefighting equipment storage?

Are emergency services available and appropriate to the needs of project beneficiaries? Is the access route for accessibility in compliance with local regulations? Will the project create any obstacles for emergency vehicles in meeting their responsibilities?  
**ACTION:** Contact local law enforcement and fire protection officials.

**23. Open Space and Recreation (Open Space, Recreation and Cultural Facilities)**

**CONCERNS:** Is there adequate park and open land for use by project area residents? Will the project cause a lessening of the availability of service? Is park and recreation space conveniently accessible and usable to all resident groups in the project area? Is there a need to be filled?

**ACTION:** Contact the local parks and recreation official or community planner.

**24. Transportation**

**CONCERNS:** If applicable to project objectives, is there adequate access to the locally recognized public transportation system? Is the service directly and conveniently available? Do any project beneficiaries need special transportation considerations due to the inadequacy of convenient shopping services? Will the project serve to reduce the mobility of any segment of the population?

**ACTION:** Contact the local transit service or community planner.

**25. Water Resources**

**CONCERNS:** Will the project use local groundwater resources or wells? Is there a high water table that should be considered during project construction? Is there a possible subsidence problem due to dependence on wells or groundwater resource?

**ACTION:** Contact the project engineer and the Arizona Department of Water Resources and Arizona Department of Environmental Quality.

**26. Surface Water**

**CONCERNS:** On-site seepage or springs may indicate potential drainage problems or impacting of a groundwater resource. Is there evidence of impoundment of water on the project site? Will the project significantly add to the impervious surface in its impact area and thereby increase demands on drainage facilities?

**ACTION:** Contact the project engineer or architect.

**E-11 Environmental Assessment Checklist (continued)**

**27. Unique Natural Features and Agricultural Lands**

**CONCERNS:** Will the project affect unique natural features such as dunes, waterfalls, rock-outcroppings, stands of trees, planting areas, natural landmarks, or focal points? Will natural pathways be affected? Will unique or prime agricultural land areas be affected or farmlands designated as important by state or local government?

**ACTION:** Conduct an on-site review, contact the local extension service or local zoning department.

**28. Vegetation and Wildlife**

**CONCERNS:** Will the project damage or destroy existing remnant plant communities, wildlife habitat, or their food chain? Will the project create environmental conditions eliminating plant life without mitigation measures? Will it, conversely, create conditions favorable to the proliferation of pest species, i.e., rats, flies and mosquitoes?

**ACTION:** Contact the Arizona Game and Fish Department and conduct an on-site review.

**29. Flood Disaster Protection Act (Flood Insurance)[§58.6(a)]**

**CONCERNS:** Any project, newly constructed or reconstructed/rehabilitated, resulting in beneficial or adverse conditions, that will be located in a 100 year floodplain or wetland, even if only a segment of the project involves such an area, triggers the need to comply with E.O. 11988 or 11990. This Executive Order requires the entity to consider alternatives and to notify the public regarding the proposed activity.

**ACTION:** Review FEMA Flood Hazard Boundary Map or Flood Insurance Rate Map. Cite map number in Section III or include a copy of the map. Contact Arizona Department of Water Resources and the City/Town/County Engineer or local Flood Control Agency.

**30. Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]**

**ACTION:** Define the APE. Projects located in HUD Region IX (CA, AZ, NV, HI, Guam) have no coastal barrier resources. Likewise, projects located in the State of Arizona have no coastal zones and are therefore considered to be in compliance with the related laws and regulations.

**31. Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]**

**CONCERNS:** Potential aircraft accident problems that are inevitable side effects of aircraft operations make some types of development incompatible or unsuitable for locations in the immediate vicinity of airports and airfields.

**ACTION:** Contact the closest airport to determine whether the project is considered to lie within a designated civilian airport Runway Clear Zone (RCZ), a military airfield Clear Zone (CZ) or an Accident Potential Zone (APZ).

**E-12 Request for Release of Funds and Certification (HUD 7015-15)**



**E-12 Request for Release of Funds and Certification**  
(HUD Form 7015.15/ OMB No. 2506-0087 exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

**Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)**

1. Program Title(s) Number (Optional)	2. HUD/State Identification Number 86-6004791	3. Recipient Identification
4. OMB Catalog Number(s) (CFDA #)	5. Name and Address of Responsible Entity	
6. For information about this request, contact (name and phone number)		
7. HUD or State Agency and office unit to receive request	8. Name and address of Recipient (if different than Responsible Entity)	

**The recipient(s) of assistance under the program listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following:**

9. Program Activity(es)/Project Name(s)	10. Location (Street address, city, county state)
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11. Program Activity/Project Description

\_\_\_\_\_

**E-12 Request for Release of Funds and Certification (continued)**

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**Part 2. Environmental Certification (to be completed by Responsible Entity)**

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With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the Responsible Entity, certify that:

1. The Responsible Entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the Project(s) named above.
2. The Responsible Entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal  did  did not require the preparation and dissemination of an environmental impact statement.
5. The Responsible Entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the Responsible Entity will advise the recipient (if different from the Responsible Entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated Certifying Official of the Responsible Entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the Responsible Entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as Certifying Officer of the Responsible Entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer _____
X	Date Signed _____
Address of Certifying Officer _____ _____	

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**Part 3. To be completed when the Recipient is not the Responsible Entity**

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The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer _____
X	Date Signed _____

**WARNING:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; U.S.C. 3729, 3802)

PREVIOUS EDITIONS ARE OBSOLETE

**E-13 Authority To Use Grant Funds (HUD 7015.16)**



**E-13 Authority to Use Grant Funds**  
(HUD Form 7015.16)

<b>To:</b> (name & address of Grant Recipient & Name & Title of Chief Executive Officer):  	<b>Copy to:</b> (name and address of Subrecipient):  
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We received your Request for Release of Funds and Certification, ADOH Form E-12 (HUD Form 7015.15) on:	_____
Your Request was for HUD/State Identification Number	_____

All objections, if received have been considered and the minimum waiting period has transpired. You are hereby authorized to use funds provided to you under the above HUD/State Identification Number. File this form for proper recordkeeping, audit and inspection purposes.

Signature of Authorized Officer of the Recipient  	Title of Authorizing Officer _____
Name of Authorizing Officer _____	Date Signed _____

REV. 12/2012  
Previous editions are obsolete

### E-14 Re-evaluation of Environmental Assessment



#### E-14 Re-evaluation of Environmental Assessment

Recipient: \_\_\_\_\_  
ADOH Contract No.: \_\_\_\_\_

1. Project Title:
2. Describe the proposed change(s) in the project:
3. List the findings in the original EA.
4. Describe how the proposed changes either change or do not change the circumstances or findings in question 3.
5. Certification:  
 I certify that the proposed change to the project does NOT affect the original decision of a Finding of No Significant Impact (FONSI) made for this project. Further, no new circumstances or environmental conditions have occurred which may have a bearing on the project's impact. The original FONSI is therefore still valid and no new assessment needs to be performed.  
 I certify that the changes to the project render the original circumstances or findings invalid and that an (new EA or EIS) will have to be conducted.

Compliance Officer (FOR NON-PROFITS ONLY) *(insert name and title)*

\_\_\_\_\_  
Signature Date

Certifying Officer for the Responsible Entity *(insert name and title)*

\_\_\_\_\_  
Signature Date

REV. 5-2013

## 15. HOUSING REHAB FORMS

### E-HR.1 Rehabilitation Environmental Review



#### E-HR.1 REHABILITATION ENVIRONMENTAL REVIEW (HUD FORM RER 2011)

Recipient:  
ADOH Contract No.:

[This RER tiered review format {per 24CFR §58.15} may only be used for the environmental review of the **rehabilitation of existing single family residential structures** per §58.35(a)(3)(i) with or without the acquisition and/or the disposition of the existing structure per §58.35(a)(5). It may also be used for the acquisition/rehabilitation/disposition of individual units in a multi-family structure, but **not** for the rehabilitation/acquisition/disposition of an entire multi-family building per §58.35(a)(3)(ii), where environmental review using a Statutory Worksheet may be appropriate]. **It may not be used for projects involving changes of use or new construction activities.**

**Program/project name and description:** (Include maximum number of units and maximum grant/loan amounts)

**From (month/year):**

**To (month/year):**

**Area of Consideration:** (Define the geographic area from which applications for this rehabilitation program will be accepted. Attach a composite map showing target area of consideration and floodplains).

#### **INSTRUCTIONS for completing the RER (2011)**

The Factors addressed in this RER review phase apply to the entire **area of consideration**. Prepare an **RER form once for the maximum scope and magnitude of each program** that meets the criteria of rehabilitation/acquisition/disposition at §58.35(a)(3) and (5), and retain it in the Environmental Review Record (ERR). A new RER must be completed whenever there is a new Consolidated Plan, Public Housing Plan or changes in the area of consideration or changes in the environmental conditions which could affect the program. After completion of the RER, publish or disseminate a Notice of Intent to Request Release of Funds (NOI/RRROF) according to §58.70. The **NOI/RRROF** shall identify the issues to be addressed in the **site-specific review phase (Appendix A 2012)**. **Do not commit HUD funds to any specific activity before obtaining the Authority to Use Grant Funds** (HUD form 7015.16 {ADOH Form E-13}) for the program or before successfully completing the site-specific **Appendix A 2012**.

**Site specific factors listed at Sections 58.5 and 58.6** (including historic preservation, explosive/flammable operations, toxic substances, airport clear zones and flood insurance) shall be addressed by completing an **Appendix A** when an individual loan or grant application is received. Before **approving any site-specific loan or grant, complete the Appendix A before approving any specific loans or grants**. An **Appendix A** shall be completed for each site to document compliance with these laws and authorities. Documents supporting compliance as well as the implementation of required mitigation measures shall be maintained in the ERR.

#### **AREA-WIDE FACTORS**

##### **Floodplain Management**

Is any part of the area of consideration located in a Special Flood Hazard Area (SFHA, i.e. area designated "A" or "V" Zone by FEMA or best available information if the area is unmapped)?

**YES**; complete Part I, Floodplain Management, on page 2 of this form.

**NO**; provide Source Documentation (FIRM panel number(s) and dates: \_\_\_\_\_)

\_\_\_\_\_ The entire program is in compliance with Executive Order 11988, Floodplain Management.

##### **Coastal Zone Management**

Is any part of the area of consideration within the Coastal Zone according to the California Coastal Commission, Hawaii Coastal Commission, San Francisco Bay Conservation & Development Commission or the Planning Department (for certified Local Coastal Plans)?

**YES**; complete Part II, Coastal Zone Management, on page 2 of this form.

**NO**; provide Source Documentation: \_\_\_\_\_

\_\_\_\_\_ This entire project is in compliance with Executive Order 11988 and 24 CFR Part 55.

REV. 10-2013



E-HR.2 Appendix A 2013



Arizona Department of Housing

E-HR.2 APPENDIX A 2013  
(All previous versions are obsolete)

Before an activity is approved, this **Appendix A** review must be successfully completed and kept in file for each residential structure proposed for acquisition/rehabilitation/disposition. This Appendix A may be used only in conjunction with a currently valid **RER** (Rehabilitation Environmental Review) form for the target area. Completion of the Appendix A does not require the submission of an additional RROF/C [Request for Release of Funds/Certification] ADOH E-12 (HUD 7015.15) if the Responsible Entity has received Authority to Use Grant Funds – ADOH E-13 (HUD 7015.16) for the project.

**Building and Unit Address:**

**Part III HISTORIC PRESERVATION (NHPA, Section 106)**

1. Does this undertaking involve only those activities permitted without further consultation under a currently valid **programmatic agreement** among the responsible entity, the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) and/or the Advisory Council on Historic Preservation?  
 Yes  No  
 If "Yes", note date of programmatic agreement \_\_\_\_\_, document implementation of the terms of the agreement and **STOP** here; the Section 106 Historic Preservation review is complete. If "No", **PROCEED**.
2. Does the project involve only acquisition and/or minor rehabilitation of a 1-4 unit residential structure (or individual unit(s) within a multifamily structure) that is **less than 50 years old** and will involve **only interior rehabilitation with no visible changes to the exterior of the structure**?  
 Yes  No  
 If "Yes", record date of building construction \_\_\_\_\_, age: \_\_\_\_\_ years and document scope of work is limited to minor interior rehabilitation and **STOP** here. The Section 106 Historic Preservation review part is complete. If "No", **PROCEED**.
3. If the proposed rehabilitation involves physical work with potential to affect any historic structure **determine** -in consultation with the appropriate **SHPO/THPO**- whether the building is **listed or eligible** for inclusion in the **National Register of Historic Places (NR)**. ("If the structure is located in a National Register Historic District, the area of effects includes not only the subject property, but the Historic District as a whole.)  
 Is the building listed in or eligible for listing in the NR?  Yes  No  
 If "No", attach SHPO/THPO concurrence or other evidence of conclusion and **STOP** here. This part is complete pursuant to 36 CFR §800.4(d). If "Yes", **Proceed**.
4. Determine whether **historic properties are affected** per §800.4(d). Has SHPO/THPO concurred with your fully documented determination of "no historic properties affected", or failed to object within 30 days of receipt of such determination, allowing sufficient time for mail delivery?  
 Yes. Enclose documentation and **STOP** here. Section 106 review is complete.  
 No. **Proceed**.
5. **Determine whether the project will have adverse effects** on historic properties according to § 800.5, in consultation with the SHPO/THPO and consulting parties [see §800.2( c)].  
 Will this project have an adverse effect(s) on historic properties?  Yes  No  
 If "No", attach SHPO/THPO concurrence and **STOP** here. This part is complete per 36 CFR §800.5(d)(1).  
 If "Yes", **PROCEED**.
6. Resolve Adverse Effects per §800.6 -in consultation with the SHPO/THPO, the Advisory Council on Historic Preservation (ACHP) if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to §800.6 or ACHP comment is considered by the Responsible Entity.

- NOTES:**
1. A determination/consultation of eligibility for the NR may be sent to SHPO/THPO concurrently with the determination/consultation of effect/no effect and with the determination/consultation of adverse/no adverse effects.
  2. The **Chief Executive Officer of the jurisdiction cannot delegate to another person** the decision to approve a project in opposition to Advisory Council comment.
  3. Keep copies of this form, all SHPO/THPO and ACHP correspondence in the ERR as evidence of compliance with Section 106 of the National Historic Preservation Act.

E-HR.2 Appendix A 2013 (continued)

**Part IV AIRPORT CLEAR ZONES (24CFR51D)**

1. Does this proposal involve the purchase or sale of property?  Yes  No  
If "No", **STOP** here. This project complies with 24 CFR Subpart D §51.300. If "Yes", **PROCEED**.
2. Is the subject property located in the Clear Zone (CZ), Approach Protection Zone, or in the Runway Clear Zone (RCZ) of a commercial civil airport or military airfield?  Yes  No

Source Documentation:

If "No", **STOP** here; this project complies with 24 CFR Subpart D §51.300. If "Yes", **PROCEED**.

Provide an airport **disclosure statement** advising the buyer that the property is in a RCZ or CZ, what the implications of such a location are and that there is a possibility that the property may, at a later date, be acquired by the airport operator. Obtain the buyer's signature acknowledging receipt of this information and attach it to this Appendix A. (This disclosure requirement does not apply to Accident Potential Zones). **AND PROCEED**.

3. Does the rehabilitation significantly prolong the physical or economic life of the building?  Yes  No. If "No" the activity complies with HUD policy at 24 CFR Subpart D §51.303. If "Yes" the activity is *not* in compliance with HUD policy at 24 CFR Subpart D §51.303; **deny HUD assistance for this activity**.

**Part V EXPLOSIVE & FLAMMABLE OPERATIONS (24CFR51C)**

1. Will this proposed acquisition/rehabilitation project result in increased residential density or cause a vacant building to become physically or legally habitable?  Yes  No  
If the answer to both parts of the question is "No", **STOP** here; this proposal complies with 24 CFR §51.201.  
If the answer to any part of the question is "Yes", **PROCEED**.
2. Is this proposed project within 1 mile of any visible, explosive-or-flammable-substance container (a stationary, above-ground tank with a capacity of more than 100 gallons)?  Yes  No (See 24 CFR 51C, Appendices I and II).

Field inspection by: \_\_\_\_\_ Date \_\_\_\_\_

If "No", **STOP** here. This part is complete. If "Yes", **PROCEED**.

3. Note Tank volume: \_\_\_\_\_ gallons, or diked area around tank: \_\_\_\_\_ square feet.  
Record distance from the project to the flammable/explosives container: \_\_\_\_\_ feet.
4. According to HUD Guidebook, "Siting of HUD-Assisted Projects Near Hazardous Facilities" (HUD-1060-CPD), the **Acceptable Separation Distance (ASD)** thermal radiation (Appendix F) is: \_\_\_\_\_ feet and the ASD for blast overpressure (Appendix G) is: \_\_\_\_\_ feet. The greater ASD is: \_\_\_\_\_ feet. Is the project located beyond the ASD according to Appendices F and G?  Yes  No. If "Yes", **STOP**; the project complies with 24 CFR 51C. If "No", **deny HUD assistance**, or  **APPROVE ONLY** if the following shielding/mitigation measures; designed in compliance with 24 CFR §51.205 are carried out:

**Part VI TOXIC/HAZARDOUS/RADIOACTIVE MATERIALS POLICY [24 CFR 58.5(i)(2)]**

1. Field Observations of the property (exterior/interior):
2. Are there visible dumps, landfills, industrial sites or other locations containing or releasing toxic/hazardous/ radioactive/ materials, chemicals or hazardous wastes on or near the subject site?  
 Yes  No If "No" **PROCEED**. If "Yes", **DESCRIBE**: \_\_\_\_\_ and **PROCEED**.
3. Does this project site contain an underground storage tank (which is not a residential fuel tank)?  
 Yes  No If "No" **PROCEED**. If "Yes", **DESCRIBE**: \_\_\_\_\_ and **PROCEED**.
4. Search Federal, State or local environmental toxic sites records (e.g. [www.epa.gov/enviro/emef](http://www.epa.gov/enviro/emef)) Do these sources reveal nearby on or nearby sites that may pose threats to the subject site occupants health or safety?  Yes  No If "No"; cite databases: \_\_\_\_\_ and **PROCEED**. If "Yes"; cite databases: \_\_\_\_\_; **DESCRIBE** \_\_\_\_\_ and **PROCEED**.

E-HR.2 Appendix A 2013 (continued)

5. **Determination:** Are the neighborhood and property free of hazardous materials, contamination, toxic chemicals, gases and radioactive substances which could affect the health or safety of occupants?  Yes, according to toxic site database research and field observations.  No, the following toxic or hazardous conditions must be mitigated during implementation: (Prescribe mitigation measures now, and attach mitigation compliance, disclosure & clearance documents as appropriate, after project implementation.  No, hazardous exposure or risk will not be mitigated; **Deny HUD Assistance for this activity.**

**Part VII FLOOD INSURANCE/FLOOD DISASTER PROTECTION ACT [24CFR58.6(a)]**

(The Flood Disaster Protection Act mandates the purchase of flood insurance for buildings located in SFHA's as a condition of approval for federal financial assistance. Flood insurance protection is mandatory for acquisition, construction, reconstruction, repair and improvement activities. Responsible Entities approving such Federally assisted activities located in SHFA's must ensure that flood insurance is maintained for the statutorily-prescribed period and dollar amount. In the case of grants, flood insurance must be maintained for the life of the building. In the case of loans, flood insurance must be maintained for the term of the loan. A copy of the flood insurance Policy Declaration must be maintained in the ERR. The amount of flood insurance coverage must be at least equal to the total project cost (less the estimated land cost) or to the maximum limit of coverage made available by the NFIP).

1. Does the project involve the acquisition or rehabilitation of structures, buildings or mobile homes?
  - No; flood insurance is not required. STOP; compliance is established.
  - Yes; PROCEED.
2. Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?
  - No; cite Source Document (FEMA/FIRM floodplain zone designation, panel number, date): STOP; compliance is established.
  - Yes; cite Source Document (FEMA/FIRM floodplain zone designation, panel number, date): , PROCEED.
3. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
  - Yes. Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the activity to cover the total activity cost. A copy of the flood insurance Policy Declaration must be kept in the Environmental Review Record.
  - No, HUD assistance may not be provided for this property in the Special Flood Hazard Area.

**PART VIII LEAD BASED PAINT**

(Applicable to Housing Rehab Projects starting with those funded from FY 2002 funds)

1. Was the construction of the subject building completed on or after January 1, 1978?  Yes  No  
If "Yes", record the year of construction ( ) and STOP here; this part is completed. If "No", PROCEED.
2. Is this property a Single Room Occupancy Dwelling Unit, a residential property designated exclusively for persons with disabilities or the elderly; where a child under six years old is not expected to reside?  
 Yes  No If "Yes", STOP here; this part is completed. If "No", PROCEED.
3. Has this property been inspected in accordance with §35.1320(a) and found not to have lead based paint?  
 Yes  No If "Yes", attach a copy of the inspection report as pages and STOP here, this part is now completed. If "No", PROCEED.
4. Has all LBP been removed, interim controlled or abated and LBP clearance for the property achieved?  
 Yes  No If "Yes", attach a copy of the clearance report as pages and STOP here; this part is now completed. If "No", PROCEED.



## 16. ADOH MONITORING FORMS

### Automatically Exempt and Downgraded Exempt Projects – Desk Monitoring Form

<b>ENVIRONMENTAL REVIEW RECORD</b>	<b>Desk Monitoring Form</b>
<b>AUTOMATICALLY EXEMPT AND DOWNGRADED EXEMPT PROJECTS</b>	
Grantee: _____	Contract # _____
Activity Name: _____	
Review activity description in application forms or contract scope of work.	
<b>AUTOMATICALLY EXEMPT ACTIVITIES</b>	<b>Yes    No    N/A</b>
A. ERR includes:	
1. Certifying Officer (E-CO) or Compliance Officer (E-CO.1) Designation Form	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Correct and complete Project Narrative (E-1)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3. Documentation of Exemption (E-2)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Level of Environmental Review Form (E-3)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5. Determination Form (E-3.1)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
B. Automatically Exempt status of activity(s) appears reasonable	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
C. ADOH Program Administrator reviews and signs off on Automatically Exempt Status. (No need to issue an Authority to Use Grant Funds) Specialists provide copy form signed by Administrator to the grantee.	
<b>DOWNGRADED EXEMPT ACTIVITIES</b>	<b>Yes    No    N/A</b>
A. ERR includes:	
1. Certifying Officer (E-CO) or Compliance Officer (E-CO.1) Designation Form	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Correct and complete Project Narrative (E-1)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3. Map of Project Location	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Documentation of Exemption (E-2)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5. Level of Environmental Review Form (E-3)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6. Determination Form (E-3.1)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
7. Statutory Worksheet (E-4)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
a. Documentation column cites sources	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. Sources are reasonable, include dates and initials	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Automatically Exempt and Downgraded Exempt Projects – Desk Monitoring Form (continued)

DOWNGRADED EXEMPT ACTIVITIES (cont'd)		Yes	No	N/A
c. Review correspondence (E-4)				
i) All appropriate agencies contacted. If no, list agencies that should have been contacted: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) List any contingencies from agency responses: _____				
8. SHPO Certification and other SHPO information, if applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. SHPO consultation to continue through engineering and & change orders. If 'yes', note for the file and for the local government.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Downgraded Exempt status of activity(s) appears reasonable		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Prepare Authority to Use Grant Funds Memorandum/Approval to Obligate (E-13) effective signature date on E-2. Forward ERR package to Program Administrator for review prior to obtaining Authorizing Officer's signature on the E-13.				

ADOH Staff: \_\_\_\_\_ Date: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Phone or Fax: \_\_\_\_\_  
 Approved:  Yes Contingent Upon: \_\_\_\_\_  
 No  
 Grantee notified on (date): \_\_\_\_\_ by  copy of this form  separate letter/fax  e-mail

Comments:

ADOH Administrator: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved:  Yes Contingent Upon: \_\_\_\_\_  
 No

**Categorically Excluded Projects – Desk Monitoring Form**

**ENVIRONMENTAL REVIEW RECORD  
CATEGORICALLY EXCLUDED PROJECTS Desk Monitoring Form**

Grantee: \_\_\_\_\_ Contract # \_\_\_\_\_

Activity Name: \_\_\_\_\_

- Review activity description in application forms or contract scope of work.

A. Categorically Excluded Projects	Yes	No	N/A
1. Correct and complete Form E-CO or E-CO.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Correct and complete Project Narrative (E-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Map of Project location <i>and</i> Floodplain map with Project location indicated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Level of Environmental Review Form (E-3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Environmental Determination Form (E-3.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Statutory Checklist (E-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Documentation column cites sources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Sources are reasonable, include dates and initials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Review correspondence (E-4 & E-10 letters)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) All appropriate agencies contacted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If No, list agencies that should have been contacted:	_____		
ii) List any contingencies from agency responses:	_____		
7. SHPO Certification, if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Notice of Intent to Clear Land (E-8), if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Administrative Record (E-9), if floodplain			
a. Complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reasonable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Review publications			
a. Floodplain Notice (E-P.1) correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Publication date: _____			
ii) End of comment period: _____			
iii) 15 days for comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Comments: _____			
b. Draft NOI/RROF (E-P.2) <input type="checkbox"/> OR NOI/RROF and Notice of Decision (E-P.3) <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Categorically Excluded Projects – Desk Monitoring Form (continued)**

Categorically Excluded Projects (cont'd)		Yes	No	N/A
i)	Correct publication category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii)	Correct version, if floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii)	Date Determination Form (E-DD) complete and correct.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv)	Publication date: _____			
v)	ROF request date: _____			
vi)	Meets 7 day comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vii)	Projected last day of comment period at ADOH: _____			
viii)	Certifying Officer: _____ Appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ix)	Correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
x)	List deficiencies, if any: _____			
9.	SHPO Consultation for engineering plans & change orders needed? If yes, note for the file and notify the local government.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Categorically Excluded status of project appears reasonable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: IF ANY PORTION OF PROPERTY IS LOCATED WITHIN A 100-YEAR FLOOD PLAIN OR WETLAND AREA, THE PROJECT **CANNOT** BE DOWNGRADED TO EXEMPT. IF ALL COLUMN ITEMS IN THE E-4 CHECKLIST ARE CHECKED "A", AND PROPERTY IS **NOT** LOCATED IN A 100-YEAR FLOOD PLAIN OR WETLAND AREA, AND THERE ARE NO OBJECTIONS OR CONTINUING CONSULTATION, THE PROJECT CAN BE DOWNGRADED TO EXEMPT.

ADOH Staff: _____	Date: _____
Contact Person: _____	Phone or Fax: _____
Approved to Publish: <input type="checkbox"/> Yes	Contingent Upon: <input type="checkbox"/> No
Grantee notified on (date): _____ by <input type="checkbox"/> copy of this form <input type="checkbox"/> separate letter/fax <input type="checkbox"/> e-mail	

**Categorically Excluded Projects – Desk Monitoring Form (continued)**

B. Public Notice: Review, Comment, and Objection Periods	Yes	No	N/A
1. Publication name: _____			
2. Date of NOI/RROF (E-P.2 or E-P.3): _____			
3. Date funds to be requested (7 day minimum from Notice): _____			
4. Correct Notice if floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. End of objections to ADOH: _____			
6. Certifying Officer: _____ Appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Overall correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. RROF and Certifications (E-12)	Yes	No	N/A
1. Date: _____			
2. Same as Notice (on or about)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Correct and complete Affidavit of Publications and Copy of Notice Included	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Same Certifying Officer as in the Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Date received by CDBG Program: _____			
D. Release Date	Yes	No	N/A
1. One day after date noted in B.5 or 15 days after date noted in C.5, whichever is later: _____			
2. Prepare Authority to Use Grant Funds Memorandum (E-13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADOH Staff: _____ Date: _____ Contact Person: _____ Phone or Fax: _____ Approved for ROF: <input type="checkbox"/> Yes    Contingent Upon: _____ <input type="checkbox"/> No Grantee notified on (date): _____ by <input type="checkbox"/> copy of this form <input type="checkbox"/> separate letter/fax <input type="checkbox"/> e-mail			
ADOH Administrator: _____ Date: _____ Approved: <input type="checkbox"/> Yes    Contingent Upon: _____ <input type="checkbox"/> No			

**Environmental Assessment Projects - Desk Monitoring Form**

**ENVIRONMENTAL REVIEW RECORD  
ENVIRONMENTAL ASSESSMENT PROJECTS Desk Monitoring Form**

Grantee: \_\_\_\_\_ Contract # \_\_\_\_\_

Activity Name: \_\_\_\_\_

- Review activity description in application forms.
- If Reassessment/Re-evaluation, complete Section A. Complete Section B. for all other Environmental Assessment activities.

A. Reassessment/Re-evaluation (E-14)	Yes	No	N/A
1. ER Re-evaluation Form (E-14) is correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Correct Certifying Officer (E-CO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. a. Original ERR no more than 5 years of E-14 date	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Effective date of original E-13: _____; Copy of Original E-13 Provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Contract #(s) associated with original E-13: _____			
4. Copy of Original E-11 Provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Original EA Findings remain valid, No New E-13 is necessary. Administrator to sign Desk Review. Proceed.			

B. All Other EA Projects	Yes	No	N/A
1. Correct and Complete Form E-CO or E-CO.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Correct and complete Project Narrative (E-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Map and/or Floodplain map, if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Level of Environmental Review Form (E-3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Determination Form (E-3.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Statutory Checklist (E-4) & Environmental Assessment Checklist (E-11)			
a. Documentation column cites sources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Sources are reasonable, include dates and initials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Review correspondence (E-10 Letters)			
i) All appropriate agencies contacted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If No, list agencies that should have been contacted: _____			
ii) List any contingencies from agency responses: _____			
7. SHPO Certification ,if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. SHPO Consultation needed for engineering plans & change orders? If yes, note for the file and notify community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Environmental Assessment Projects - Desk Monitoring Form (continued)**

B. All Other EA Projects (cont'd)	Yes	No	N/A
9. Notice of Intent to Clear Land (E-8), if applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Administrative Record (E-9), if floodplain			
a. Complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reasonable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Alternatives considered (E-11.7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Mitigation measures identified (E-11.7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If mitigation measures to be implemented, describe: _____			
13. Specialist concurs with EA status of project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Floodplain Notice (E-P.1) correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Publication date: _____			
b. End of comment period: _____			
c. 15 days for comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Comments: _____			
15. Review Draft Publication: <input type="checkbox"/> FONSI/RROF (E-P.4 – no floodplain) OR <input type="checkbox"/> FONSI/RROF/Notice of Decision (E-P.5 – floodplain/wetlands)			
a. Correct publication category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Correct version, if floodplain (E-P.5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Date Determination Form (E-DD.1) correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Publication date: _____			
e. ROF request date: _____			
f. Meets 15 day comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Projected last day of comment period at ADOH: _____			
h. Certifying Officer: _____			
i. Correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. List deficiencies, if any: _____ _____			

ADOH Staff: _____	Date: _____
Contact Person: _____	Phone or Fax: _____
Approved to Publish: <input type="checkbox"/> Yes	Contingent Upon: _____
<input type="checkbox"/> No	
Grantee notified on (date): _____	by <input type="checkbox"/> copy of this form <input type="checkbox"/> separate letter/fax <input type="checkbox"/> e-mail

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**Environmental Assessment Projects - Desk Monitoring Form (continued)**

C. Public Notice: Review, Comment, and Objection Periods	Yes	No	N/A
1. Publication name: _____			
2. Date of Concurrent Notice (E-P.4/5): _____			
3. Date funds to be requested (15 day minimum from Notice): _____			
4. End of Review/Comment period (15 day minimum from Notice): _____			
5. Correct Notice, if floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. End of objections to ADOH: _____			
7. Certifying Officer: _____			
Appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Overall correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. RROF and Certifications (E-12)	Yes	No	N/A
1. Date: _____			
2. Same as Notice (on or about)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Same CTO as in Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Date received by CDBG Program: _____			
E. Authority to Use Grant Funds Memorandum			
1. One day after date noted in C.6 or 15 days after date noted in D.5, whichever is later: _____			
2. Prepare Authority to Use Grant Funds Memorandum (E-13)			

ADOH Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone or Fax: \_\_\_\_\_

Approved for ROF:  Yes  No Contingent Upon: \_\_\_\_\_

Approved for  Yes  No Contingent Upon: \_\_\_\_\_

Re-evaluation:  Yes  No

Grantee notified on (date): \_\_\_\_\_ by  copy of this form  separate letter/fax  e-mail

ADOH Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Approved:  Yes  No Contingent Upon: \_\_\_\_\_

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### Housing Rehab Projects- Desk Monitoring Form

**ENVIRONMENTAL REVIEW RECORD**  
**HOUSING REHAB PROJECTS** **Desk Monitoring Form**

Grantee: \_\_\_\_\_ Contract # \_\_\_\_\_

A. All Housing Rehab Projects	Yes	No	NA
1. Correct and Complete Form E-CO or E-CO.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Correct and complete Project Narrative (E-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Map of Project Location and Floodplain map with project location clearly marked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Level of Environmental Review (E-3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. E-HR.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. <input type="checkbox"/> No Floodplain (Skip Section B)			
b. <input type="checkbox"/> Floodplain/Wetlands (go to Section B.)			

B. If Floodplain	Yes	No	N/A
1. Administrative Record (E-9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Floodplain Notice (E-P.1) correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Publication date: _____			
b. End of comment period: _____			
c. 15 days for comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Comments: _____ _____			
3. Draft NOI/RROF and Notice of Decision (E-P.3)			
a. Correct publication category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Publication date: _____			
c. Date Determination Form (E-DD) Correct and Complete?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. ROF request date: _____			
e. Meets 7 day comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Projected last day of comment period at ADOH: _____			
g. Certifying Officer: _____			
h. Correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. List deficiencies, if any: _____ _____			

**Housing Rehab Projects- Desk Monitoring Form (continued)**

C. Public Notice: Review, Comment, and Objection Periods		Yes	No	N/A
1. Publication name:	_____			
2. Date of NOI/RROF (E-P.6):	_____			
3. Date Determination Form (E-DD) correct and complete?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Date funds to be requested (7 day minimum from Notice):	_____			
5. Correct Notice, if floodplain		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. End of objections to ADOH (15 day minimum from Notice):	_____			
7. Certifying Officer (CTO): _____ Appropriate?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Overall correct and complete		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. RROF and Certifications (E-12)		Yes	No	N/A
1. Date:	_____			
2. Same as Notice (on or about)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Correct and complete/Affidavit of Publication and copy of Notice included		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Same CTO as in Notice		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Date received by CDBG Program:	_____			

F. Authority to Use Grant Funds Memorandum		Yes	No	N/A
1. One day after date noted in B.3.f (if in a floodplain) or C.6 or 15 days after date noted in E.5, whichever is later:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Prepare Authority to Use Grant Funds Memorandum (E-13)				

Reminder to grantee:  
 E-HR.2 (Appendix A) must be completed for each house to be rehabilitated. [Submit copies of E-HR.2 (Appendix A) for first 3 homes to ADOH.]

ADOH Staff: _____	Date: _____
Contact Person: _____	Phone or Fax: _____
Approved: <input type="checkbox"/> Yes Contingent Upon: _____	
<input type="checkbox"/> No	
Grantee notified on (date): _____	by <input type="checkbox"/> copy of this form <input type="checkbox"/> separate letter/fax <input type="checkbox"/> e-mail

ADOH Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Approved:  Yes Contingent Upon: \_\_\_\_\_

No

**Housing Rehab Projects with Reconstruction - Desk Monitoring Form**

**ENVIRONMENTAL REVIEW RECORD  
HOUSING REHAB AND RECONSTRUCTION PROJECTS Desk Monitoring Form**

Grantee: \_\_\_\_\_ Contract # \_\_\_\_\_

<b>A. All Housing Rehab Projects</b>				Yes	No	NA
1.	Correct and Complete Form E-CO or E-CO.1			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Correct and complete Project Narrative (E-1)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Map of Project Location and Floodplain map with project location clearly marked			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Level of Environmental Review (E-3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	E-HR.1 (IF project will include reconstruction see also Section G)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. <input type="checkbox"/> No Floodplain (Skip Section B)					
	b. <input type="checkbox"/> Floodplain/Wetlands (go to Section B.)					

<b>B. If Floodplain (if not in floodplain, skip B. and go to Sect. C)</b>				Yes	No	N/A
1.	Administrative Record (E-9)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Floodplain Notice (E-P.1) correct and complete			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. Publication date: _____					
	b. End of comment period: _____					
	c. 15 days for comment period			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Comments: _____ _____					
3.	Draft NOI/RROF and Notice of Decision (E-P.3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	a. Correct publication category			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Publication date: _____					
	c. Date Determination Form (E-DD) complete and correct.			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. ROF request date: _____					
	e. Meets 7 day comment period			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Projected last day of comment period at ADOH: _____					
	g. Certifying Officer: _____					
	h. Correct and complete			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1. List deficiencies, if any: _____ _____					

**Housing Rehab Projects with Reconstruction - Desk Monitoring Form (continued)**

<b>C. Public Notice: Review, Comment, and Objection Periods</b>		Yes	No	N/A
1.	Publication name: _____			
2.	Date of NOI/RROF (E-P.6 or E-P.3 if in floodplain): _____			
3.	Date funds to be requested (7 day minimum from Notice): _____			
4.	Correct Notice, if floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	End of objections to ADOH (15 day minimum from Notice): _____			
6.	Certifying Officer (CTO): _____ Appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Overall correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>E. RROF and Certifications (E-12)</b>		Yes	No	N/A
1.	Date: _____			
2.	Same as Notice (on or about)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Correct and complete/Affidavit of Publication and copy of Notice included	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Same CTO as in Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Date received by CDBG Program: _____			

<b>F. Authority to Use Grant Funds Memorandum</b>		Yes	No	N/A
1.	One day after date noted in B.3.f (if in a floodplain) or C.5 or 15 days after date noted in E.5, whichever is later: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Prepare Authority to Use Grant Funds Memorandum (E-13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reminder to grantee: E-HR.2 (Appendix A) must be completed for each house to be rehabilitated. [Submit copies of E-HR.2 (Appendix A) for first 3 homes to ADOH.]				

<b>G. RECONSTRUCTION</b>		Yes	No	N/A
If OOH Program will include some reconstruction the following must be submitted for each unit:				
1.	Correct and complete Project Narrative (E-1) for each individual reconstruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Level of Environmental Review (E-3) for each individual reconstruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Determination Form (E-3.1) for each individual reconstruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Statutory Worksheet for Reconstruction (E-4a) for each individual reconstruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If E-4a consultation requires any mitigation actions or if reconstruction property is located in a floodplain then Publications must be done.</b>				
<i>If Floodplain (if not in floodplain, skip numbers 1 through 3 below and go to #4):</i>				
1.	Administrative Record (E-9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Floodplain Notice (E-P.1) correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a.	Publication date: _____			

**Housing Rehab Projects with Reconstruction - Desk Monitoring Form (continued)**

b. End of comment period: _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
c. 15 days for comment period	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
d. Comments: _____ _____	
3. Draft NOI/RROF and Notice of Decision (E-P.3)	
a. Correct publication category	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. Publication date: _____	
c. Date Determination Form (E-DD) complete and correct.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
d. ROF request date: _____	
e. Meets 7 day comment period	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
f. Projected last day of comment period at ADOH: _____	
g. Certifying Officer: _____	
h. Correct and complete	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
i. List deficiencies, if any: _____	
<i>If NOT in Floodplain but Mitigating Actions required per E-4a consultations (Skip Floodplain 1-3):</i>	
4. Publication name: _____	
5. Date of NOI/RROF (E-P.6): _____	
6. Date funds to be requested (7 day minimum from Notice): _____	
7. Correct Notice, if floodplain	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
8. End of objections to ADOH (15 day minimum from Notice): _____	
9. Certifying Officer (CTO): _____ Appropriate?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
10. Overall correct and complete	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<i>If Publications were done for any reason RROF and Certifications are required.</i>	
11. Date: _____	
12. Same as Notice (on or about)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
13. Correct and complete/Affidavit of Publication and copy of Notice included	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
14. Same CTO as in Notice	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
15. Date received by CDBG Program: _____	
<i>Reconstruction units will either downgrade to exempt (if not in floodplain and no mitigation) or if publications for floodplain or mitigation occurred will require an E-13 Authority to Use Grant Funds</i>	
16. One day after date noted in F.3.f (if in a floodplain) or F.8 or 15 days after date noted in F.15, whichever is later: _____	
17. Prepare Authority to Use Grant Funds Memorandum (E-13)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

**Housing Rehab Projects with Reconstruction - Desk Monitoring Form (continued)**

\_\_\_\_\_

ADOH Staff: _____	Date: _____
Contact Person: _____	Phone or Fax: _____
Approved: <input type="checkbox"/> Yes Contingent Upon: _____	
<input type="checkbox"/> No	
Grantee notified on (date): _____	by <input type="checkbox"/> copy of this form <input type="checkbox"/> separate letter/fax <input type="checkbox"/> e-mail

ADOH Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Approved:  Yes Contingent Upon: \_\_\_\_\_

No

Arizona Department of Housing 1110 W. Washington, Suite 310, Phoenix AZ 85007

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### Housing Reconstruction Only Projects - Desk Monitoring Form

**ENVIRONMENTAL REVIEW RECORD**  
**HOUSING RECONSTRUCTION ONLY PROJECTS** **Desk Monitoring Form**

Grantee: \_\_\_\_\_ Contract # \_\_\_\_\_

A. Housing Reconstruction Projects	Yes	No	NA
1. Correct and Complete Form E-CO or E-CO.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Correct and complete Project Narrative (E-1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Map of Project Location and Floodplain map with project location clearly marked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Level of Environmental Review (E-3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Determination Form (E-3.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. E-4a Statutory Worksheet - Reconstruction (for each individual unit to be reconstructed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. <input type="checkbox"/> No Floodplain (Skip Section B)			
b. <input type="checkbox"/> Floodplain/Wetlands (go to Section B.)			
c. <input type="checkbox"/> Mitigation Actions Required (go to Section C.)			
d. <input type="checkbox"/> No Publications and No Mitigation Actions Required – downgrade to EXEMPT. Notify Grantee. No E-13 Authority to Use Grant Funds is required. SKIP Sections B through F.			

B. If Floodplain (if not in floodplain, skip B. and go to Section C.)	Yes	No	N/A
1. Administrative Record (E-9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Floodplain Notice (E-P.1) correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Publication date: _____			
b. End of comment period: _____			
c. 15 days for comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Comments: _____ _____			
3. Draft NOI/RROF and Notice of Decision (E-P.3)			
a. Correct publication category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Publication date: _____			
c. ROF request date: _____			
d. Meets 7 day comment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Projected last day of comment period at ADOH: _____			
f. Certifying Officer: _____			
g. Correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. List deficiencies, if any: _____ _____			

**Housing Reconstruction Only - Desk Monitoring Form (continued)**

<b>C. Public Notice: Review, Comment, and Objection Periods</b>		Yes	No	N/A
1. Publication name: _____				
2. Date of NOI/RROF (E-P.6 or E-P.3 if in floodplain): _____				
3. Date funds to be requested (7 day minimum from Notice): _____				
4. Correct Notice, if floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. End of objections to ADOH (15 day minimum from Notice): _____				
6. Certifying Officer (CTO): _____ Appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Overall correct and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>E. RROF and Certifications (E-12)</b>		Yes	No	N/A
1. Date: _____				
2. Same as Notice (on or about)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Correct and complete/Affidavit of Publication and copy of Notice included	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Same CTO as in Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Date received by CDBG Program: _____				

<b>F. Authority to Use Grant Funds Memorandum</b>		Yes	No	N/A
1. One day after date noted in B.3.e (if in a floodplain) or C.5 or 15 days after date noted in E.5, whichever is later: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Prepare Authority to Use Grant Funds Memorandum (E-13)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOH Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone or Fax: \_\_\_\_\_

Approved:  Yes Contingent Upon: \_\_\_\_\_  
 No

Grantee notified on (date): \_\_\_\_\_ by  copy of this form  separate letter/fax  e-mail

ADOH Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Approved:  Yes Contingent Upon: \_\_\_\_\_  
 No

**Categorically Excluded and Environmental Assessment – On Site Monitoring Form**

**ENVIRONMENTAL REVIEW RECORD** **On-site Monitoring Form**  
**Categorically Excluded (CE) and Environmental Assessment (EA) activities only**

Grantee: \_\_\_\_\_ Contract # \_\_\_\_\_

	Yes	No	Comments
1. ERR file exists for each activity	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. For each ERR File:			_____
a. Appropriate E-P.1/2/3/4/5 Notices mailed to EPA and other interested parties.	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Did EPA or other parties respond to published Notices?	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. Did general public or other parties respond to published Notices?	<input type="checkbox"/>	<input type="checkbox"/>	_____

ADOH Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:

## **GLOSSARY**

<b>AC</b>	Advisory Council on Historic Preservation
<b>ADEQ</b>	Arizona Department of Environmental Quality
<b>ADHS</b>	Arizona Department of Health Services
<b>ADWR</b>	Arizona Department of Water Resources
<b>APE</b>	Area of Potential Effect
<b>ASD</b>	Acceptable Separation Distance
<b>APZ</b>	Accident Potential Zone
<b>ADOH</b>	Arizona Department of Housing
<b>CE</b>	Categorical Exclusion
<b>COE</b>	U.S. Army Corps of Engineers
<b>CO</b>	Certifying Officer
<b>CZ</b>	Military airfield Clear Zone
<b>DEQ</b>	Department of Environmental Quality, Arizona
<b>DHS</b>	Department of Health Services, Arizona
<b>DWR</b>	Department of Water Resources, Arizona
<b>EA</b>	Environmental Assessment
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environmental Protection Agency
<b>ERR</b>	Environmental Review Record
<b>FEMA</b>	Federal Emergency Management Agency
<b>FHBM</b>	Flood Hazard Boundary Map
<b>FIRM</b>	Flood Insurance Rate Map
<b>FONSI</b>	Finding of No Significant Impact
<b>HOME</b>	The Home Investment Partnership Program
<b>HUD</b>	Department of Housing and Urban Development
<b>LM</b>	Low to Moderate Income
<b>LOMA</b>	Letter of Map Amendment from FEMA
<b>LOMR</b>	Letter of Map Revision from FEMA
<b>MOA</b>	Memorandum of Agreement (relative to historic preservation)
<b>NAHA</b>	Cranston-Gonzales National Affordable Housing Act of 1990

<b>NEPA</b>	National Environmental Policy Act of 1969
<b>NHPA</b>	National Historic Preservation Act of 1966
<b>NOFA</b>	Notice of Funding Availability
<b>NOI/EIS</b>	Notice of Intent to Prepare an EIS
<b>NOI/RROF</b>	Notice of Intent to Request a Release of Funds
<b>NR</b>	National Register
<b>RCZ</b>	Civilian airport Runway Clear Zone
<b>ROF</b>	Release of Funds
<b>RROF</b>	Request for Release of Funds (and Certification)
<b>SHPA</b>	State Historic Preservation Act
<b>SHPO</b>	State Historic Preservation Officer
<b>Substantial</b>	35% or more
<b>THPO</b>	Tribal Historic Preservation Officer

## **APPLICABLE FEDERAL STATUTES**

The following is a listing of the federal statutes with which the ERR is designed to comply. This listing is not all-inclusive, nor does it identify implementing regulations.

### **Historic Properties**

The National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) as amended; particularly Section 106 (16 U.S.C. 470f).

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 et seq.); particularly Section 2(c).

The Reservoir Salvage Act of 1960 (16 U.S. C. 469 et seq.); particularly Section 3 (16 U.S.C. 469 a-1); as amended by the Archaeological and Historic Preservation Act of 1974.

### **Floodplain Management and Wetland Protection**

Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128)

Executive Order 11988, Floodplain Management, May 25, 1977 (42 FR 26951 et seq.); particularly Section 2(a).

Executive Order 11990, Protection of Wetlands, May 25, 1977 (42 FR 26961 et seq.); particularly Sections 2 and 5.

### **Sole Source Aquifers**

The Safe Drinking Water Act of 1968 (42 U.S.C. 201, 300(f) et seq.), and 21 U.S.C. 349 as amended; particularly Sections 1424(e) (42 U.S.C. 300 h-300(e)).

### **Endangered Species**

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as amended; particularly Section 7 (U.S.C. 1536).

### **Wild and Scenic Rivers**

The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) as amended; particularly Sections 7(b) and (c) (16 U.S.C. 1278 (b) and (c)).

### **Air Quality**

The Clean Air Act (42 U.S.C. 7401 et seq.) as amended; particularly Section 176(c) and (d) (42 U.S.C. 7506(c) and (d)).

### **Farmlands Protection**

Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) particularly Section 1540(b) and 1541 (7 U.S.C. 4201 and 4202).

### **HUD Environmental Standards**

Environmental Criteria and Standards (24 CFR Part 51)

**Environmental Justice**

Executive Order 12898 - The purpose of this statute is to ensure that there is no disproportionately adverse environmental impact (mainly toxic dumps and nuclear waste facilities) on low income and minority areas due to federal projects. This is not included on the Statutory Checklist (E-4) for two reasons: 1) it is safe to assume that if there is no negative impact in the other areas listed, then there is no impact on Environmental Justice; and 2) there are no agencies or experts to contact to make such a determination.

## **AGENCIES WITH ENVIRONMENTAL JURISDICTION**

Note: Contact names are no longer shown for the agencies listed. Letters may be addressed to:  
Attn: Environmental Review Record Process/Clearance.

### **Environmental Protection Agency (EPA)**

U.S. Environmental Protection Agency  
Headquarters  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Phone: 202/272-0167

U.S. Environmental Protection Agency – Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
Phone: 415/947-8000 / (Toll-free outside of California: (866) EPA-WEST)

### **Air Quality**

Arizona Department of Environmental Quality (ADEQ)  
Office of Air Quality  
1110 W. Washington Street  
Phoenix, AZ 85007  
Phone: 602/771-2300

### **Floodplain**

Arizona Department of Water Resources  
3550 North Central Avenue  
Phoenix, AZ 85012  
Phone: 602/771-8500

### **Historic Properties and Archaeological Concerns**

Arizona State Parks Department  
State Historic Preservation Office (SHPO)  
1300 W. Washington  
Phoenix, AZ 85007  
Phone: 602/542-4009 / Fax: 602/542-4188

Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW, Suite 803  
Washington, DC 20004  
Phone: 202/606-8503

**Historic Properties and Archaeological Concerns** *(continued)*

National Register of Historic Places

1849 C Street, NW (2280)

Washington, DC 20240

Phone: 202/354-2211 / Fax: 202/371- 6447

*\*Because USPS mail in Washington, DC is irradiated, they recommend sending official correspondence by direct overnight mail to the following address:*

National Register of Historic Places

1201 Eye Street, NW (2280)

Washington, DC 20005

National Park Service

U.S. Department of the Interior

1849 C Street, NW (2280)

Washington, DC 20240

Phone: 202/354-2211 / Fax: 202/371-2229

The Arizona State Museum

The University of Arizona

1013 East University Blvd. P.O. Box 210026

Tucson, Arizona 85721

Phone: 520/621-6302

Fax: 520/621-2976

**Endangered Species**

Arizona Game and Fish Department

Non-Game Branch

2221 W. Greenway Road

Phoenix, Arizona 85023

Phone: 602/942-3000

U.S. Government Department of the Interior

Fish and Wildlife Services

Ecological Services

2321 W. Royal Palm Rd., #103

Phoenix, AZ 85012

Phone: 602/242-0210 / Fax: 602/242-2513

**Water Quality**

Arizona Department of Environmental Quality

Water Division

1110 W. Washington Street

Phoenix, AZ 85007

Phone: 602/771-2300 /

**Water Quality: Southern Region**

**Cochise, Graham, Santa Cruz, and Yuma Counties**

Arizona Department of Environmental Quality  
Water Division, Southern Region  
400 W. Congress Drive, Suite 433  
Tucson, AZ 85701  
Phone: 520/628-6733 / Fax: 520/628-6745 (Toll-free outside Tucson: (888) 271-9302)

**Wetlands**

Arizona Ecological Services State Office  
U.S. Fish and Wildlife Service  
2321 W. Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
Phone: 602/242-0210 / Fax: 602/242-2513

U.S. Army Corps of Engineers  
Arizona Regulatory Field Office  
3636 N. Central Avenue, Suite 900  
Phoenix, AZ 85012-1936  
Phone: 602/640-5385 / Fax: (602) 640-2020

**Wild and Scenic Rivers**

Prescott National Forest  
344 South Cortez  
Prescott, AZ 86303  
Phone: 928/771-4700 / Fax: 928/771-4884

Tonto National Forest  
2324 E. McDowell Road  
Phoenix, AZ 85006  
Phone: 602/225-5200 / Fax: 602/225-5295

National Park Service  
Santa Fe Support Office  
PO Box 728  
Santa Fe, NM 87501-0728  
Phone: 505/988-6770

**Farmlands Protection**

U.S.D.A. Natural Resources Conservation Service  
ECS (Ecological Conservation Service)  
230 N. 1st Avenue, Suite 509  
Phoenix, AZ 85003-1706  
Phone: 602/280-8778

National Register of Historical Landmarks  
U.S. Department of the Interior/NPS NRHE  
1849 C Street, NW (2280)  
Washington, D.C. 20240  
Phone: 202/354-2216 / Fax: 202/371-2229 E-mail: [contact name]/@nps.gov

U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
415/947-8000 (Toll-free outside of California: (866) EPA-WEST)  
Attn: Interagency Environmental Coordinator