

DETERMINATION OF LEVEL OF REVIEW ENVIRONMENTAL REVIEW RECORD

Project Name:

CDBG Contract Number:

Project Location:

Project Description (Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.):

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58 "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- Exempt** from NEPA review requirements per 24 CFR 58.34(a)()
- Categorically Excluded NOT Subject** to §58.5 authorities per 24 CFR 58.35(b)()
- Categorically Subject** to §58.5 authorities per 24 CFR 58.35(a)()
(A Statutory Checklist for the §58.5 authorities is attached.)
- An **Environmental Assessment** (EA) is required to be performed in accordance with subpart E of 24 CFR Part 58 is attached.
- An **Environmental Impact Statement** (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Chief Elected Official:					
<table style="width: 100%; border: none;"><tr><td style="border-top: 1px solid black; width: 50%; padding-top: 5px;">Print Name</td><td style="border-top: 1px solid black; width: 50%; padding-top: 5px;">Signature</td></tr><tr><td style="border-top: 1px solid black; padding-top: 5px;">Title</td><td style="border-top: 1px solid black; padding-top: 5px;">Date</td></tr></table>		Print Name	Signature	Title	Date
Print Name	Signature				
Title	Date				

(STATUTORY CHECKLIST)
PROJECT REQUIRING ENVIRONMENTAL ASSESSMENT OR CATEGORICALLY EXCLUDED
AREAS OF COMPLIANCE WITH RELATED LAWS AND AUTHORITIES

Recipient Name:

Contract Number:

Complete this form only if you have determined that your project is categorically excluded and subject to compliance with Federal Related Laws and Authorities outlined in 24 CFR 58.5 or requires an Environmental Assessment. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

DIRECTIONS – For each authority, determine whether project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information provides documentation project compliance has been achieved, or (3) an additional compliance action is required. The compliance action may include such items as obtaining a license or permit from a state, federal, or local agency, ongoing oversight by a government agency, or completion of a remediation or mitigation measure.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority

Areas of Statutory/ Regulatory Compliance:	Not Applicable	Consultation, Review or Permits Required	Conditions/Mitigation Actions Required	Date Source Contacted	Source Documents, Correspondence, and/or explanation (attach as necessary)
Farmland Protection [7 CFR 658]					
Wild and Scenic Rivers Act [36 CFR 297]					Not Applicable: no designated wild and scenic rivers in Iowa
Floodplain Management [24 CFR 55, Executive Order 11988]					
Wetland Protection [24 CFR 55, Executive Order 11990]					
Historic Preservation [36 CFR Part 800]					
Endangered Species [50 CFR 402]					
Coastal Zone Management [Coastal Zone Management Act sections 307(c)&(d)]					Not Applicable: no coastal management areas in Iowa
Water Quality (Sole Source Aquifers) [40 CFR 149]					Not Applicable: no sole source aquifers in Iowa

Areas of Statutory/ Regulatory Compliance:	Not Applicable	Consultation, Review or Permits Required	Conditions/Mitigation Actions Required	Date Source Contacted	Source Documents, Correspondence, and/or explanation (attach as necessary)
Environmental Justice [Executive Order 12898]					
Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]					There are presently no non-attainment areas in Iowa (regarding ambient air quality). Contact the Iowa Department of Natural Resources at 1-877-AIR-IOWA (1-877-247-4692) if an air quality permit will be necessary.
Noise Control [24 CFR 51B]					
Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]					
Contamination and Toxic Substance [24 CFR 58.5(i)(2)]					
Explosive and Flammable Operations [24 CFR 51C]					

DETERMINATION (check one):

COMPLIANCE IS MET. The project is in compliance with aforementioned authorities and regulations, as documented above.

ACTION REQUIRED. The project will be compliant with the aforementioned authorities and regulations, provided further action is taken. The action is a condition of the environmental review and is described below. (An additional compliance action may include obtaining a license or permit from a state, federal, or local agency, or completing a certain remediation or mitigation measure.)

Required Condition(s):

PREPARER SIGNATURE:

PREPARER NAME & TITLE:

(For CAT X, subject to related laws)

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *Date Here*
Recipient Name: *Recipient's Name*
Address: *Recipient's Address*
Telephone number: *Recipient's Phone Number*

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Notice is hereby given that on or about *Date**, the *recipient* will request the Iowa Department of Economic Development (IDED), to release federal funds under Supplemental Appropriations Act (Public Law 110-252), 2008, and Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329), to undertake a project known as Jumpstart Federal Disaster Recovery, for the purpose of undertaking the project(s) hereinafter described.

Project Title: *project name*

Purpose: *nature/scope of project*

Location: *project location*

Estimated Cost: *both estimated HUD funding & total project cost, as applicable*

Contract Number: *contract number between recipient and IDED*

Additional project information is contained in the Environmental Review Record (ERR) on file at *recipient's address* and may be examined or copied weekdays from *x:xx* a.m. to *x:xx* p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments regarding with this decision for consideration by the *recipient*. Such written comments should be received on or before *date***. All comments received by this date will be considered by the undersigned prior to authorizing submission of a request for release of funds. Commenters should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The *recipient* is certifying to the IDED that the *Title of Recipient* of *recipient* in his/her official capacity as *Title of Recipient* consents to accept the jurisdiction of the federal courts if any action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action; and that these responsibilities have been satisfied. The *recipient*'s approval of the certification satisfies its responsibilities under the National Environmental Policy Act of 1969 and the related laws authorities, and allows the *recipient* to use program funds.

OBJECTIONS TO RELEASE OF FUNDS

The IDED and the *recipient* will consider objections to its release of funds and the *recipient* certification received by *date**** or a period of fifteen days from its 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; (b) the recipient 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 development process have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds; 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. Commenters should submit their comments to both the IDED and the recipient issuing the notice to ensure that these comments will receive full consideration. Comments must be prepared and submitted in accordance with the required procedure (24 CFR Part 58.76) and should be sent to the addresses below. Potential objectors should contact the IDED to verify the actual last day of the objection period.

Recipient's CEO Name

Recipient's Title

Recipient's Address

Recipient's Phone Number

AND

Benton Quade
Environmental Review Specialist
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309
benton.quade@iowa.gov
Phone: (515) 725-3073

- * This date should be the day after the local comment period has ended.
- ** This date is the end date for the local comment period and should be no less than 7 days **after** the date of this publication. Day one = the day after the publication
- *** This date should be at least 15 days after the request is **received** by HUD. To calculate this date count 15 days after you estimate the request will be received by HUD (allow at least 4 days for the mail to reach HUD).

REMEMBER: This notice is only to be used for Categorically Excluded projects that are subject to the related laws and authorities 24 CFR 58.5. You must receive SHPO concurrence before you publish this notice or have an activity that does not need to be reviewed by SHPO as part of the PMOU.

NOTE: Once you have published this notice and allowed 7 days for local comment, you must send the *Request for Release of Funds and Certification, Iowa Community Block Grant Program form* (found in this appendix) to IDED. Remember to attach a copy of this notice to the form. Once IDED receives the *Request for Release of Funds and Certification, Iowa Community Block Grant Program form* the 15 day state comment period will begin.

(For Environmental Assessment)

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT
(FONSI)
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Date of Publication: *Date Here*

Recipient Name: *Insert Here*

Address: *Insert Here*

Telephone number: *Insert Here*

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Iowa Department of Economic Development (IDED).

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Notice is hereby given that on or about *date**, *Responsible Entity* will submit a request and certification for the release of funds to the Iowa Department of Economic Development (IDED). The request and certification relate to a grant for funds under Supplemental Appropriations Act (Public Law 110-252), 2008, and Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329), for the purpose of undertaking the project(s) hereinafter described.

Project Title: *project name*

Purpose: *nature/scope of project*

Location: *project location*

Estimated Cost: *both estimated HUD funding & total project cost, as applicable*

Contract Number: *contract number between funding partner and IDED*

FINDING OF NO SIGNIFICANT IMPACT

The *Responsible Entity* 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 *Address of Responsible Entity* and may be examined or copied weekdays from *xx:xx* a.m. to *xx:xx* p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments regarding with this decision for consideration by the *Responsible Entity's Name*. Such written comments should be received on or before *date***. All comments received by this date will be considered by the undersigned prior to authorizing submission of a request for release of funds. Commenters should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The *Responsible Entity* is certifying to the IDED in his/her official capacity as *Official Title* consents to accept the jurisdiction of the federal courts if any action is brought to enforce

responsibilities in relation to environmental reviews, decision-making and action; and that these responsibilities have been satisfied. The IDED's approval of the certification satisfies its responsibilities under the National Environmental Policy Act of 1969 and the related laws authorities, and allows the Responsible Entity to use program funds.

OBJECTIONS TO RELEASE OF FUNDS

The IDED and Responsible Entity will consider objections to its release of funds and the Responsible Entity's certification received by date*** or a period of fifteen days from its 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; (b) the Responsible Entity 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 development process have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds; 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. Commenters should submit their comments to both the IDED and the Responsible Entity issuing the notice to ensure that these comments will receive full consideration. Comments must be prepared and submitted in accordance with the required procedure (24 CFR Part 58.76) and should be sent to the addresses below. Potential objectors should contact the IDED to verify the actual last day of the objection period.

Certifying Officer

Certifying Officer's Address

AND

Benton Quade
Environmental Review Specialist
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309
benton.quade@iowa.gov
Phone: (515) 725-3073

* This date should be the day after the **local** comment period has ended.

** This date should be 15 days after the date of publication (note: first day of comment is always the day after the date of publication. Therefore, really 16 days from date of publication to end of local comment period)

*** This date should be at least 15 days after the request is **received** by HUD.

You must receive SHPO concurrence before you publish this notice.

NOTE: Once you have published this notice and allowed 15 days (16 days counting the publication date) for local comment, you must send the Request for Release of Funds and Certification, Iowa Community Block Grant Program form (found in this appendix) to IDED. Remember to attach a copy of this notice to the form. Once IDED receives the Request for Release of Funds and Certification, Iowa Community Block Grant Program form the 15-day state comment period will begin.

IDED CDBG Request for Release of Funds and Certification Instructions

* Visit <http://www.iowalifechanging.com/community/community> for HUD's official Adobe PDF to fill out, print and send into IDED.

Part 1. Program Description and Request for Release of Funds

- 1) **Program Title(s)** – There are seven options for the programs related to Iowa's CDBG yearly allocation. Use State of Iowa CDBG – (*insert program title*) – pick from the following:
 - a. Community Facilities
 - b. Water / Sewer
 - c. Housing
 - d. Opportunities and Threats
 - e. Downtown Revitalization
 - f. Economic Development Set-Aside (EDSA)
 - g. Public Facilities Set-Aside (PFSA)
- 2) **HUD/State Identification Number** – This number is related to the year your project was funded. The following are the HUD/State Identification Numbers for the last couple of years.
 - a. 2011-B-11-DC-19-0001
 - b. 2010-B-10-DC-19-0001
 - c. 2009-B-09-DC-19-0001
- 3) **Recipient Identification Number** – This is your project's contract number with IDED.
- 4) **OMB Catalog Number(s)** – This stays constant, **always use 14.288**
- 5) **Name and address of responsible entity** – Enter:
Recipient's name (City or County)
Recipient's Address
Recipient's City, IA Zip Code
- 6) **For Information about this request, contact (name & phone number)** – Enter the Project Administrator's name and phone number.
- 7) **Name and address of recipient (if different than responsible entity)** – *Leave Blank*
- 8) **HUD or State Agency and office unit to receive request** – Enter: Iowa Department of Economic Development
Attention: Benton Quade
200 East Grand Avenue, Des Moines, IA
50309
- 9) **Program Activity(ies)/Project Name(s)** – Enter the project's name.
- 10) **Location (Street address, city, county, State)** – If the project has an exact location provide the correct information. If the project is city-wide or does not have a dedicated address provide a description of the location (i.e. The Northwest Quadrant of East 4th Street and Grand Avenue, *along with city, county, State.*
- 11) **Program Activity/Project Description** – Enter the project description, performance targets, budget amounts and people served from the Attachment A of your contract with IDED.

Part 2. Environmental Certification

Part 2 is a very important step for the Responsible Entity/Recipient. Please have the CEO of the Recipient review clauses 1-8.

3) Select that the ER did not require an EIS (select the second box or the box to the right), if in fact an EIS is not required.

Signature of Certifying Officer of the Responsible Entity – Either Mayor or County Chairperson's
Signature

Title of Certifying Officer

Date Signed

Address of Certifying Officer – Enter the Recipient's Address

Part 3. To be completed when the Recipient is not the Responsible Entity

DO NOT FILL OUT – NOT APPLICABLE

For further explanation or guidance please contact:

Benton Quade, IDED, (515) 725-3073

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 3/31/2011)

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) State of Iowa CDBG - Community Facilities	2. HUD/State Identification Number 2011-B-11-DC-19-0001	3. Recipient Identification Number (optional) 11-CF-999
4. OMB Catalog Number(s) 14.288	5. Name and address of responsible entity City of Somewhere City Hall 1977 Main Street Somewhere, IA 12345	
6. For information about this request, contact (name & phone number) Administrator, (515) 123-4567	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request Iowa Department of Economic Development Attention: Benton Quade 200 East Grand Avenue, Des Moines, IA 50309		

The recipient(s) of assistance under the program(s) 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(ies)/Project Name(s) Little Kiddo's Child Care	10. Location (Street address, city, county, State) 2006 Iowa Street, City of Somewhere, Hawkeye County, Iowa
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11. Program Activity/Project Description

The project consists of the New Construction of a 4,200 square foot, one-story building to serve 48 children.

**CDBG Funds = \$300,000
Other Funds = \$401,000
Total Funds = \$701,000**

Part 2. Environmental Certification (to be completed by responsible entity)

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. 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.
4. 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.
5. 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.
6. 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:

7. 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 24 CFR 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.
8. 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

X *Mayor*

Title of Certifying Officer

Mayor, City of Somewhere Iowa

Date signed

06/01/2011

Address of Certifying Officer

City Hall
1977 Main Street
Somewhere, IA 12345

Part 3. To be completed when the Recipient is not the Responsible Entity

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

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Request for Release of Funds Documentation Checklist

- Environmental Determination of Level of Review (p. 15, A II)

- Environmental Assessment or Categorically Excluded Areas of Compliance Checklist (p.21, A II)

- Section 106 Documentation
 - Exempt from SHPO Review Form (p. 101, All)
 - SHPO Concurrence Letter
 - Other

- Affidavit of Public Notice to Request Release of Funds and/or Finding of No Significant Impact

- Request for Release of Funds and Certification (p. 133-134, All)