

Environmental Review

Frequently Asked Questions

1. What kind of project needs to be reviewed environmentally?

Every project we award requires some level of environmental review.

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2. When does the environmental review need to be conducted?

Economic Development projects need to conduct the environmental review once the initial application is written. All other projects need to conduct this review immediately following the contract commencement date.

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3. Who is responsible for carrying out the environmental review?

The unit of general local government (also known as the Grantee or the Responsible Entity) is ALWAYS responsible for the environmental review, environmental decision-making and all environmental action. The grantee must determine who is knowledgeable, qualified and experienced in assisting in preparing documents that carry out the important environmental review responsibilities. However, the Grantee is **solely accountable** should issues arise.

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4. Can CDBG funds be used to pay for the cost of performing the review?

No, this is the obligation of the Grantee.

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5. What activities of a project are required to be reviewed environmentally?

The project is the aggregation of all geographically and functionally related activities that comprise the project as a whole, and this becomes the basis for the environmental review. A project is never divided into individual activities to enable separate, small-scale reviews. It is the project as a whole that dictates the level of review that is required. The project as a whole applies to every project using CDBG funds: sewer and water, public facilities, economic development, housing rehabilitation, micro-loan, revolving loan fund and KAN-STEP.

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6. When does the first day of the Local Comment Period and the State Objection Period start?

The day after the public notice appears in the newspaper and the day after complete and accurate documents have been received by the state.

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7. When can we commit or commence with project activities?

CDBG or any other local funds for use in a CDBG funded project cannot be obligated; and no new construction, demolition, rehabilitation, repair, modification or acquisition of property can commence, nor commitment made to undertake such activities, until the environmental review is complete and Commerce has issued a formal release of funds.

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8. What are the steps of an environmental review for a project?

1. Determine scope of the project.
2. Aggregate activities into the project.
3. Determine level(s) of review.
4. Conduct the review.
5. Publish notices and submit Request for Release of Funds Certification.
6. Receive Environmental Clearance.
7. Only now can you release, obligate or incur CDBG funds.

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9. What documents are required to be submitted to Commerce for projects determined to be Categorically Excluded SUBJECT To (CEST) that convert to exempt:

1. Determination of Review Level (with application), and
2. Statutory Checklist and supporting documents.

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10. What documents are required to be submitted to Commerce for projects determined to be Categorically Excluded SUBJECT To (CEST)?

1. Request for Release of Funds Certification (original signed),
2. Determination of Review Level (with application),
3. Statutory Checklist and supporting documentation,
4. Other HUD Requirements (Appendix E), and
5. Copy of public notice affidavit.

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11. What documents are required to be submitted to Commerce for projects determined to require a complete environmental assessment?

1. Request for Release of Funds Certification (original signed),
2. Determination of Review Level (with application),
3. Environmental Assessment and supporting documentation, and
4. Copy of public notice affidavit.

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12. What does it mean when the chief elected official signs off on the Request for Release of Funds Certification?

The signature by the chief elected official means that the environmental review process is complete and the official assumes responsibility for the review, the decision-making and all environmental action.

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13. What kinds of projects require mandatory purchase of flood insurance?

Projects that involve a building(s) located in Special Flood Hazard areas designated by FEMA known as the Zone A Floodplain (previously known as 100-year flood or one percent annual chance flood).

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14. Can other Federal/State Agency environmental assessments be used for our project's environmental review?

When USDA Rural Development, Kansas Department of Health and Environment or Economic Development Administration (EDA) are partnering with CDBG in a project, grantees may utilize the information contained within another agency's environmental assessment. **However, this is only allowed if it is current and includes all project activities, regardless of the funding sources.** All CDBG environmental impact areas and compliance requirements still must be met. Grantees may attach additional documentation to another agency's assessment if necessary to meet CDBG requirements. A copy of the entire document and all supporting documentation must be placed in the project file. **Only CDBG environmental notices are to be published and the applicable CDBG comment periods apply.**

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15. Is an environmental review required for Urgent Need projects?

Yes, Grantees must still comply with environmental review requirements for emergencies and imminent threat situations in regard to two determination levels – Environmental Assessment level and Exempt level.

Emergency projects that fall under **the Environmental Assessment level** are when a presidential or local chief elected official declares the disasters.

Emergency projects that fall under **the Exempt level** are when improvements do not alter environmental conditions and are limited to protection, repair or restoration activities only to control effects from the disasters or stop imminent threats to public safety.

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16. Where can more information be found?

You may access the [Grantee Handbook](#) here, Environmental Review is Section 7.

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17. Are community centers considered noise sensitive buildings?

Yes, community centers can be considered a noise sensitive use. Exterior noise up to 70 dB is acceptable, but noise beyond that will interfere with communication inside the building. High ambient noise levels interfere with speech recognition inside the facility, and the people's annoyance with noise rises exponentially at and above this level. The interior noise level is important to a facility whose purpose is to foster verbal communication.

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18. Can an applicant bid a project when the environment review process is not completed?

No, it would not be in the best interest of the applicant to do so. This is in case an environmental review issue arises that may hinder the project, cause a delay or possibly change the scope of work. The environmental clearance should be received prior to a project going to bid. It is best to wait until the environmental review is completed before bidding the project.

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19. Who should I contact for further information?

Linda Hunsicker at Linda.Hunsicker@ks.gov.

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