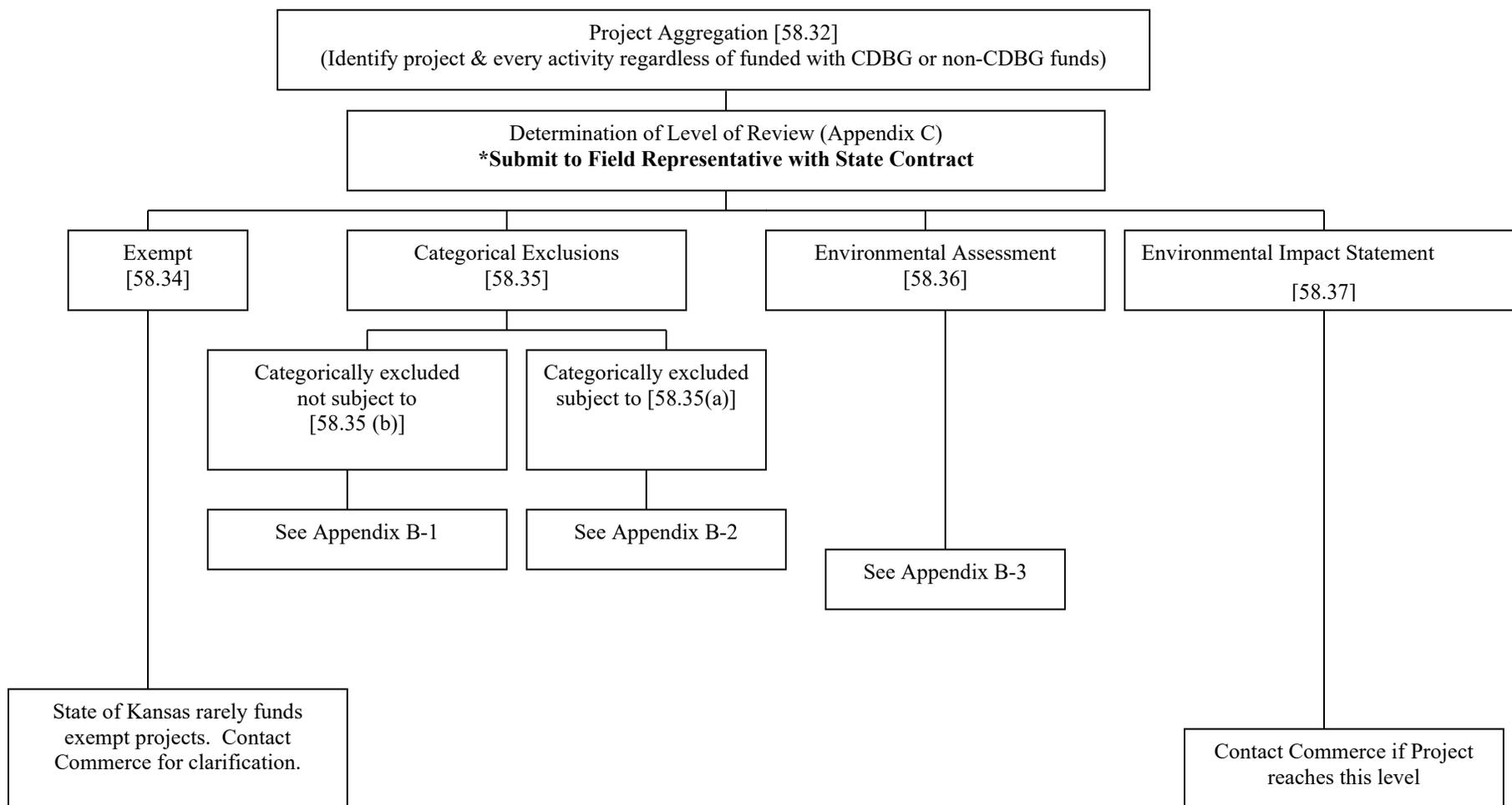


Regulatory Agencies with Environmental Review Oversight of CDBG Projects

State or Federal Agency	Address	Jurisdiction Over
Kansas Department of Health & Environment Division of Environment http://www.kdheks.gov/waste/ http://www.kdheks.gov/water/index.html	1000 S.W. Jackson, Suite 400 Topeka, KS 66612-1366	Water, Sewer, Hazardous Waste, Air Quality, Asbestos, Explosive & Flammable Operations
Kansas Water Office	901 South Kansas Avenue Topeka, KS 66612-1249 Phone: (785) 296-3185	Water
Kansas Department of Agriculture Division of Water Resources http://www.ksda.gov/	109 S.W. 9th Street, 2nd Floor Topeka, KS 66612	Water, NFIP
Kansas Department of Wildlife & Parks http://www.kdwp.state.ks.us/	512 S.E. 25th Avenue Pratt, KS 67124 Phone: (620) 672-0744	Potentially all projects
Airport Clear Zone	Contact local Airport	Projects near airports
United States Department of Agriculture http://www.ks.nrcs.usda.gov/	Natural Resources Conservation Service 760 South Broadway Salina, KS 67401	New projects in Farm Land
Kansas Corporation Commission http://www.kcc.state.ks.us/	1500 S.W. Arrowhead Road Topeka, KS 66604-4027 Phone: (785) 271-3100 Fax: (785) 271-3354	Electrical Systems, Energy Distribution or Generators, Abandoned Wells
Kansas Geological Survey http://www.kgs.ku.edu/	1930 Constant Avenue Lawrence, KS 66047-3726 Phone: (785) 864-3965 Fax: (785) 864-5317	Water, Sewer, Buildings
Kansas Historical Society http://www.kshs.org/	6425 S.W. 6 th Topeka, KS 66615 Archeologist: (785) 272-8681 x 214 Buildings: (785) 272-8681 x 217	All projects

State or Federal Agency	Address	Jurisdiction Over
Local Emergency Management Offices	Check with County or City	
Federal Emergency Management Agency (FEMA) http://www.fema.gov/index.shtm	Federal Emergency Management Agency Hazard Identification and Risk Assessment 9221 Ward Parkway, Suite 300 Kansas City, MO 64114-3372 Phone: (816) 283-7003	Flood Plain issues
U S Fish & Wildlife Service http://www.fws.gov/	2609 Anderson Avenue Manhattan, KS 66502-2801 Phone: (785) 593-3474 x 106	Potentially all projects
US Environmental Protection Agency http://www.epa.gov/	US EPA Region 7 901 N. 5th Street Kansas City, KS 66101	Water and Sewer with EA, and ED projects
US Army Corps of Engineers http://www.nwk.usace.army.mil/regulatory/regulatory.htm	Kansas City District Attention: OD-R 601 East 12 th Kansas City, MO 64106 Phone: (816) 389-3664 Fax: (816) 389-3670	Water and Sewer
US Army Corps of Engineers	Kanopolis Satellite Office 107 Riverside Drive Marquette, KS 67464 Phone: (785) 546-2130 Fax: (785) 546-2050	Water and Sewer
US Army Corps of Engineers	Pomona Regulatory Office 5260 Pomona Dam Road Vassar, KS 66546 Phone: (785) 453-2204 Fax: (785) 546-2050	Water and Sewer
US Army Corps of Engineers	Kansas State Regulatory Office 2701 N.E. Shady Creek Access Road El Dorado, KS 67042 Phone: (316) 322-8247 Fax: (316) 322-8259	Water and Sewer

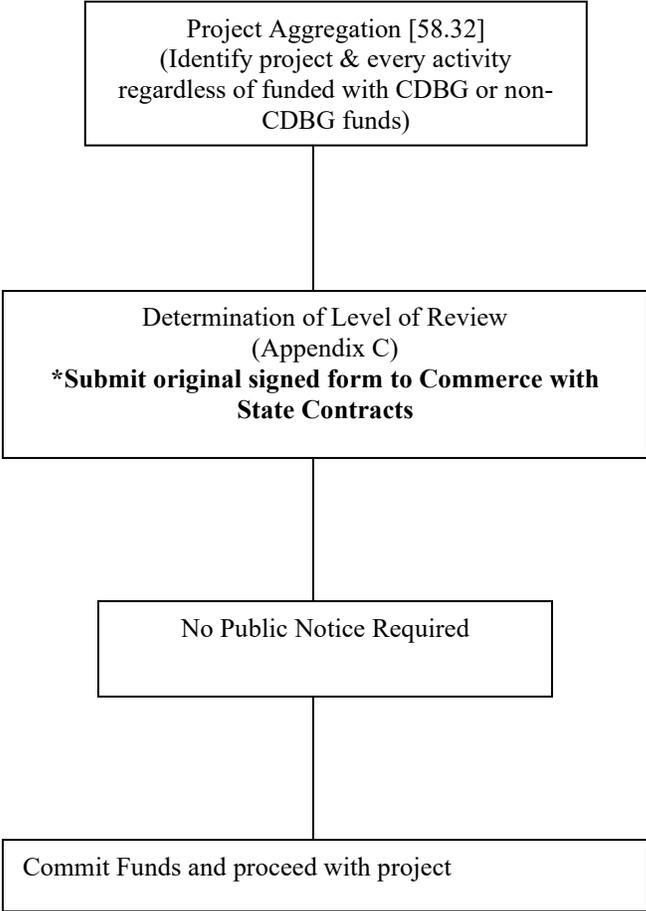
ENVIRONMENTAL REVIEW PROCESS FLOWCHART



ENVIRONMENTAL REVIEW PROCESS FLOWCHART

CATEGORICALLY EXCLUDED

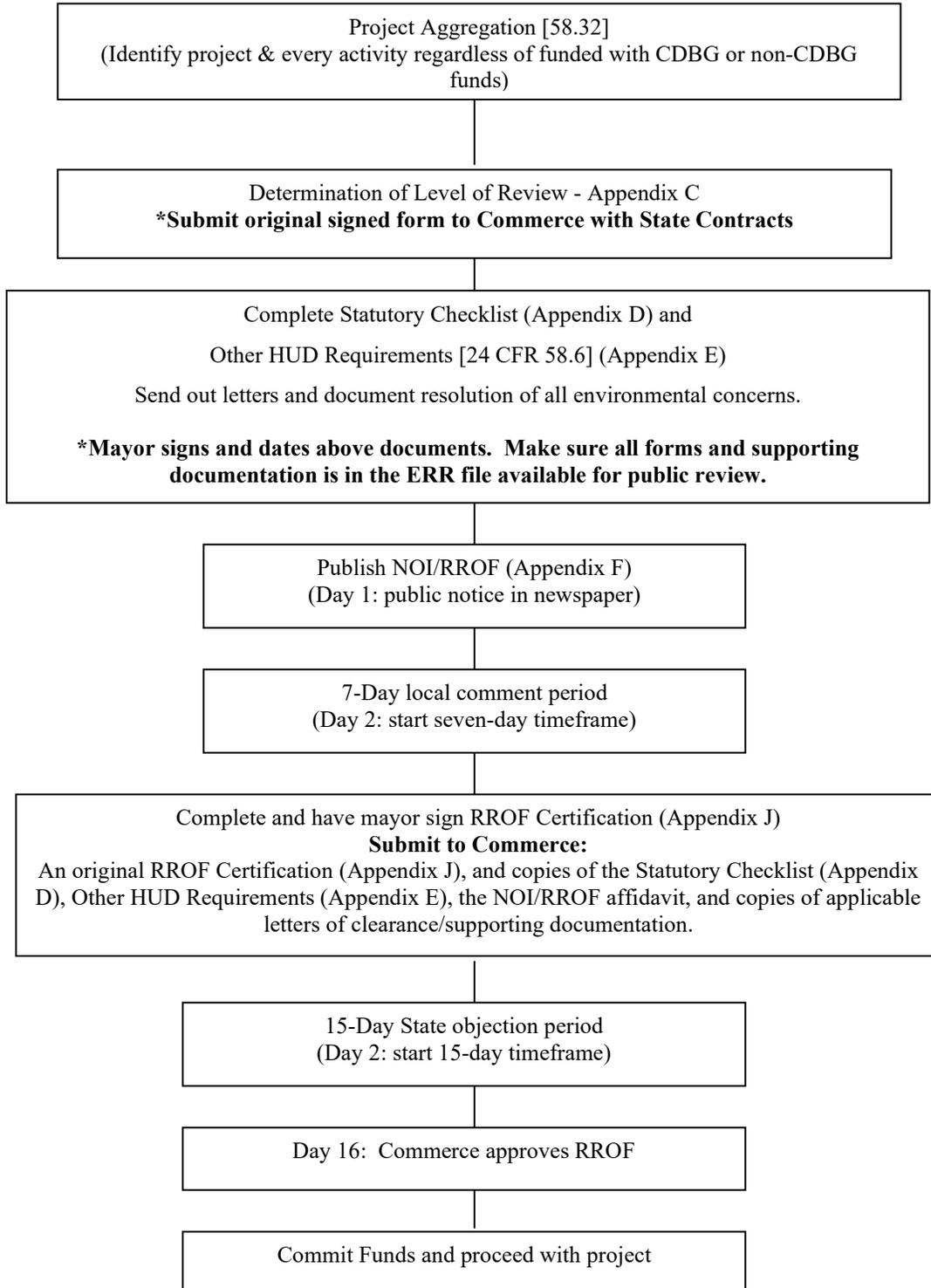
NOT SUBJECT TO
(CENST) 58.35(b)



ENVIRONMENTAL REVIEW PROCESS FLOWCHART

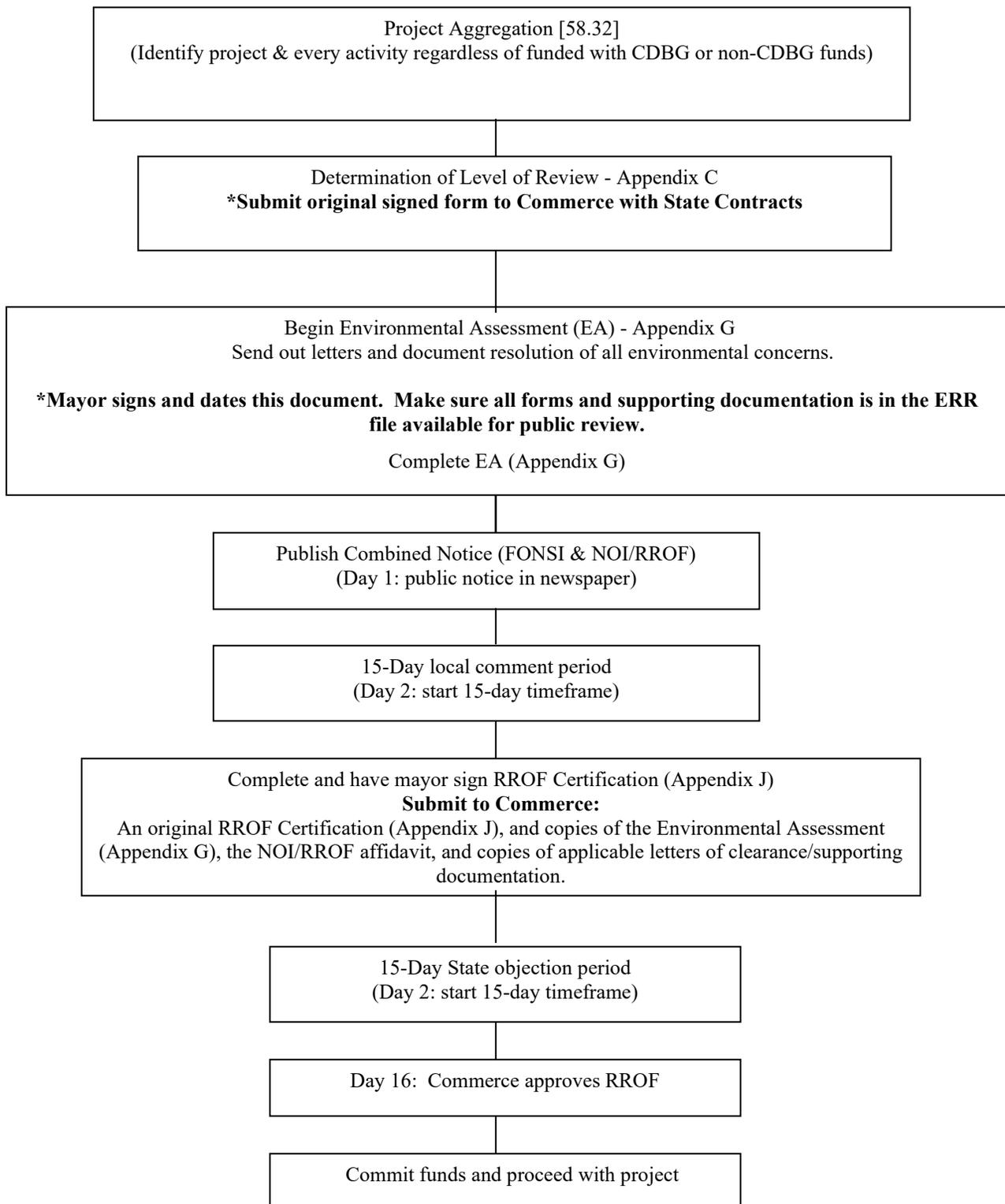
CATEGORICALLY EXCLUDED

SUBJECT TO
(CEST) 58.35(a)



ENVIRONMENTAL REVIEW PROCESS FLOWCHART

Environmental Assessment (EA) 58.36



Kansas Department of Commerce
Community Development Block Grant (CDBG) Program
1000 S.W. Jackson Street, Suite 100
Topeka, KS 66612-1354

DETERMINATION OF LEVEL OF REVIEW

ENVIRONMENTAL REVIEW RECORD (ERR)

Grantee Name & Project Number: _____

Project Location: _____

Project Description: _____

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)(____)
- Categorical Exclusion NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(____)
- Categorical Exclusion SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(____)
- An Environmental Assessment (EA) is required to be performed.
- 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 (print name/title)	_____ Chief Elected Official's Signature
_____ Date	



STATUTORY CHECKLIST

Use this worksheet only for projects that are Categorically Excluded under 24 CFR §58.35(a).

PROJECT NAME: _____

ERR FILE # _____ (optional)

An “ERR Determination” form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

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, on-going 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. Publicly available documents may be incorporated by reference into the ERR, provided that each source document is clearly identified and the document available for review by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD or state guidance for more information.

Statute, Authority, Executive

Order, Regulation or Policy

cited at 24 CFR §58.5	Compliance Documentation
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. February 2005. (http://www.ocrm.nos.noaa.gov/czm/czmsitelist.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	
5. Endangered Species [50 CFR 402]	

6. Environmental Justice [Executive Order 12898]	
7. Explosive and Flammable Operations [24 CFR 51C]	
8. Farmland Protection [7 CFR 658]	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	
10. Historic Preservation [36 CFR 800]	
11. Noise Control [24 CFR 51B]	
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	
14. Wild and Scenic Rivers [36 CFR 297]	

DETERMINATION (check one):

- COMPLIANCE IS MET.** The project is in compliance with the 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):

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

PREPARER SIGNATURE: _____ DATE: _____

PREPARER NAME & TITLE: _____



U.S. Department of Housing and Urban Development
 Great Plains Regional Office – Region VII
 400 State Avenue, Room 200
 Kansas City, KS 66101-2406

Appendix E
Categorically Excluded
Subject To

PROJECT NAME: _____

ERR FILE #: _____ retain this form in the ERR of the subject project.

REQUIREMENTS listed at 24 CFR 58.6

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION
[24 C.F.R. Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Document: _____
 (Project complies with 24 CFR 51.303(a)(3).)

Yes. **Notice must be provided to buyer.** The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, 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. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

2. COASTAL BARRIERS RESOURCES ACT
[Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)]

Is the project located in a coastal barrier resource area?

No. Cite or attach Source Document: No CBRA in MO/KS/NE/IA <http://www.fema.gov/nfip/cobra.shtml>
 (Proceed with project.)

Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT
[Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128)]

Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area?

No. Cite or attach Source Document: _____
 (Proceed with project.)

Yes. Cite or attach Source Document: _____

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.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

No. **Federal assistance may not be used in the Special Flood Hazards Area.**

Responsible Entity Official: Signature / Name _____

Date _____

Sample of

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *(date published)*

Expires: *(date 7 days after date of publication)*

Name of Grantee

Address (Street #, or P.O. Box, City/State/Zip Code)

Grantee's Telephone Number

On or after *insert date at least one day after the end of the comment period*, *Grantee's name* will submit a request to the State of Kansas for the release of Federal Funds from the Community Development Block Grant program under Title 1 of the Housing and Community Development Act of 1974, as amended (PL 93-383) to undertake the following project:

Project Number: *CDBG Grant Number*

Project Name: *name of project*

Project Type: *description/scope/purpose of project*

Project Location: *address/ specific location of the project*

Estimated HUD/CDBG Funds: *estimated CDBG funding*

Estimated Total Project Cost: *estimated total project cost - include all funding sources*

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at *name and address of Grantee's office and name and address of other locations where the record is available for review* and may be examined or copied weekdays _____ AM to _____ PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the *Grantee's designated office responsible for receiving and responding to comments*. All comments received by *publication date plus seven days* will be considered by *the name of Grantee* prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The name of Grantee certifies to the State of Kansas that *name of Certifying Officer* in *his/her* capacity as *Official Title* 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. The State of Kansas's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows *the name of Grantee* to use HUD/CDBG program funds.

OBJECTIONS TO RELEASE OF FUNDS

The State of Kansas will accept objections to its release of funds and the grantee's certification for a period of fifteen days following the anticipated submission date 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 grantee; (b) the grantee 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, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the State of Kansas; or (d) another Federal agency acting pursuant of 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, Sec. 58.76) and shall be addressed to the Kansas Department of Commerce, CDBG Program, 1000 S.W. Jackson Street, Suite 100, Topeka, KS 66612. Potential objectors should contact Commerce to verify the actual last day of the objection period.

Name and Title of Certifying Officer

Name and Address of Grantee

Instructions for Completing the "Notice Of Intent To Request Release Of Funds"

This Notice is used to request the environmental release of funds for Categorically Excluded projects (24 CFR Part 58, Section 58.35(a)) or for projects for which a Notice of Finding of No Significant Impact was previously issued. Specific Grantee information is to be inserted where words are in bold and italics type.

The seven-day local comment period is the minimum time period required by regulation prior to submission of a Request for Release of Funds and Certification (form HUD-7015.15) to the State of Kansas. The Grantee may choose to allow a longer comment period. The fifteen-day State objection period is a statutory requirement. The State objection period commences following the submission date specified in the Notice, or the actual date of receipt by the State, whichever is later.



**U.S. Department of Housing
and Urban Development**
Great Plains Office – Region VII
400 State Avenue
Kansas City, Kansas 66101-2406

Environmental Assessment for HUD-funded Projects

[HUD recommended format per 24 CFR 58.40]

Project Name: _____

Responsible Entity: _____
[24 CFR 58.2(a)(7)]

Certifying Officer Name & Title: _____
[24 CFR 58.2(a)(2)]

Environmental Review Record (ERR) File # _____

Environmental Assessment

Project Location: _____

Estimated Total Project Cost (all sources): _____

Amount of HUD Assistance: _____ HUD Grant Program: _____

Grant Recipient (if different from Responsible Entity):

[24 CFR 58.2(a)(5)]

Recipient Address & Phone: _____

RE Project Contact Name & Phone: _____

Conditions for Approval: (List all mitigation and project modification measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements.) [24 CFR 58.40(d), 40 CFR 1505.2(c)]

FINDING: [58.40(g)]

- Finding of No Significant Impact (FONSI)**
(The project will not result in a significant impact on the quality of the human environment.)
- Finding of Significant Impact**
(The project may significantly affect the quality of the human environment.)

PREPARER SIGNATURE: _____ DATE: _____

PREPARER NAME & TITLE: _____

PREPARER'S AGENCY (If Different from RE): _____

RE APPROVING OFFICIAL SIGNATURE: _____ DATE: _____

RE APPROVING OFFICIAL NAME & TITLE: _____

Purpose of the Project: ["Statement of Purpose and Need for the Proposal" - 40 CFR 1508.9(b)]

Description of the Project: Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25] As appropriate, attach maps, site plans, renderings, photographs, budgets and other descriptive information.

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

Part I: Statutory Checklist [24CFR §58.5]

DIRECTIONS – For each authority, check one of the appropriate boxes under “Status.”

“A box” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to **WHY the authority is not implicated, or HOW compliance is met.** OR

“B box” The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order

Regulation or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs are in the states of HUD Region VII, per Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. http://www.ocrm.nos.noaa.gov/czm/czmsitelist.html
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
5. Endangered Species [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	
6. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
8. Farmland Protection [7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
10. Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input type="checkbox"/>	
11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	

12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
14. Wild and Scenic Rivers [36 CFR 297]	<input type="checkbox"/>	<input type="checkbox"/>	

Part II: Environmental Assessment Checklist

[Environmental Review Guide HUD CPD-782, 24 CFR 58.40; 40 CFR 1508.8 &1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers and page references. Then enter the appropriate determination of impact: None Anticipated, Potentially Adverse or Potentially Beneficial. Attach additional material as appropriate. Note conditions or mitigation measures required.

Impact Categories	<i>Anticipated or Potential Impact</i>	<i>Source Documentation</i> <i>and</i> <i>Mitigation or Modification Required</i>
	<ul style="list-style-type: none"> • Adverse • Beneficial • No Impact 	

Land Development

Conformance with Comprehensive Plans and Zoning		
Land Use Compatibility and Urban Impact		
Urban Design - Visual Quality and Scale		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances, including Site Safety		
Noise - Effects of Ambient Noise on Project & Contribution to Community Noise Levels		
Air Quality - Effects of Ambient Air Quality on Project & Contribution to Community Pollution Levels		

Energy Conservation		
---------------------	--	--

Socioeconomic Factors

Demographic Character Changes		
Displacement		
Employment and Income Patterns		

Community Facilities and Services

Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety <ul style="list-style-type: none"> • Police 		
<ul style="list-style-type: none"> • Fire 		
<ul style="list-style-type: none"> • Emergency Medical 		
Open Space and Recreation <ul style="list-style-type: none"> • Open Space 		
<ul style="list-style-type: none"> • Recreation 		
<ul style="list-style-type: none"> • Cultural Facilities 		

Transportation		
----------------	--	--

Natural Features

Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		

Part III: Other Requirements [24 CFR §58.6]

Complete the following table or attach a separate §58.6 Checklist.

Compliance

§58.6 Requirements	Status (Y/N)	Source Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]		
Coastal Barrier Resources Act/Coastal Barrier Improvement Act §58.6(c)]	YES	No Coastal Barrier Resource Areas in MO/KS/NE/IA. http://www.fema.gov/nfip/cobra.shtm
Airport Runway Clear Zone Disclosure & Notification [§58.6(d)]		

SUMMARY OF FINDINGS AND CONCLUSIONS

Project Alternatives Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9] (As appropriate, 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 of each alternative and the reasons for rejecting it. Include consideration of the No Action Alternative, that is, not implementing the preferred alternative).

Mitigation and Project Modification Measures Recommended

[24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed

(List the reports, studies or analyses performed for this assessment, and attach studies or summaries.)

List of Agencies and Persons Consulted [40 CFR 1508.9(b)]
(List agencies and persons consulted for this assessment.)

Sample of Combined Notice

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT

AND

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: *(date published)*Expires: *(date 15 days after date of publications)**Name of Grantee**Address (Street # or P.O. Box/City/State/Zip Code)**Grantee's Telephone Number*

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the *name of the Grantee*.

REQUEST FOR RELEASE OF FUNDS

On or after *insert date at least one day after the end of the comment period*, *Grantee's name* will submit a request to the State of Kansas for the release of Federal funds from the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) to undertake the following project:

Project Number: *CDBG Grant Number*Project Name: *name of project*Project Type: *description/scope/purpose of project*Project Location: *address/ specific location of the project*Estimated HUD/CDBG Funds: *estimated CDBG funding*Estimated Total Project Cost: *estimated total project cost - include all funding sources***FINDING OF NO SIGNIFICANT IMPACT**

The name of Grantee 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 *name and address of Grantee's office where ERR can be examined and name and address of other locations where the record is available for review* and may be examined or copied weekdays ___AM to ___PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the *Grantee's designated office responsible for receiving and responding to comments*. All comments received by *publication date plus fifteen days* will be considered by *the name of Grantee* prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The name of Grantee certifies to the State of Kansas that *name of Certifying Officer* in *his/her* capacity as *Official Title* 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. The State of Kansas's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows *the name of Grantee* to use HUD/CDBG program funds.

OBJECTIONS TO RELEASE OF FUNDS

The State of Kansas will accept objections to its release of funds and the grantee certifications for a period of fifteen days following the anticipated submission date 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 grantee; (b) the grantee 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, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the State of Kansas; 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 to the release of funds must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Kansas Department of Commerce, CDBG program, 1000 S.W. Jackson Street, Suite 100, Topeka, KS 66612. Potential objectors should contact Commerce to verify the actual last day of the objection period.

Name and Title of Certifying Officer

Name and Address of Grantee

Instructions for Completing the "Combined Notice"

Specific Grantee information is to be inserted where words are ***bolded and italicized***. If there is more than one Grantee, list them all. For instance, in the case of multi-jurisdictional projects there is typically a lead grantee and other participating grantees. If all are included in the project, then all should be listed in the notice, including the name and title of the Certifying Officer for each jurisdiction.

The fifteen-day local public comment period is the minimum time period required by regulation prior to submission of a Request for a Release of Funds and Certification form HUD-7015.150 to the State of Kansas. The Grantee may choose to allow a longer comment period. 24 CFR Part 58 requires "time delays for exceptional circumstances," including a 30-day comment period for controversial or unique projects or those similar to projects normally requiring preparation of an Environmental Impact Statement. The fifteen-day State objection period is a statutory requirement. The State objection period commences following the submission date specified in the Notice, or the actual date of receipt by the State, whichever is later.

SAMPLE

FLOODPLAINS AND WETLANDS NOTICES

Early Public Notice

The City of West Linn, Kansas, is proposing to construct a new water treatment plant located on the corner of 10th Street and Mulberry in Census Tract 10. The project will involve 5.3 acres located in the 100 year floodplain. The City is interested in discussing alternatives to this project and securing public perceptions of possible adverse impacts that could result from the project and possible mitigation measures. Please SEND written comments to Tom Tyron, City Hall, Room 200, West Linn, Kansas 66000 or call (913) 555-5555. Comments will be accepted until (date).

THE EARLY PUBLIC NOTICE MUST ALLOW A FULL 15-DAY LOCAL COMMENT PERIOD FROM THE DATE OF PUBLICATION.

Notice of Explanation

The City of West Linn, Kansas, intends to undertake the construction of a new water treatment plant located on the corner of 10th Street and Mulberry in census tract 10. This project is needed to improve water quality and meet the existing demand for potable water. This project is located in the 100 year floodplain. The project cannot be undertaken in any other location because of the land topography and number of acres required for the project. Therefore, there is not a practicable alternative to the proposed project. The City considered the following alternatives:

- 1) Locating the treatment plant on the corner of west Avenue and Route B.
- 2) Constructing a mechanical treatment facility rather than a lagoon system.

The proposed project is designed to minimize adverse impacts and preserve the natural floodplain. Failure to provide these improvements would result in the continued deterioration of the City's water supply and outweighs consideration of Executive Order 11988 and 11990. A more detailed description of the project and the FIA flood maps are available for citizen review at City Hall, Room 200, West Linn, Kansas 66000,

Honorable Tom Tyron
Mayor, City of West Linn

THE NOTICE OF EXPLANATION SHALL NOT BE PUBLISHED UNTIL AFTER THE COMMENT PERIOD OF THE EARLY PUBLIC NOTICE HAS ENDED.

You can find the document for [Request for Release of Funds and Certification](#) by clicking on this link.

