

**OKLAHOMA HOUSING FINANCE AGENCY
HOME DEPARTMENT**

Chapter 17	
	Reference: 24 CFR, Part 58
Subject: Environmental Review and Release of Funds	

General Requirements

Notes

Comply with the National Environmental Policy Act (NEPA) of 1969 and the environmental requirements of other federal laws found in 24 CFR, Part 58 which cover the following areas of concern:

- { Historic Preservation
- { Floodplain Management
- { Wetland Protection
- { Coastal Zone Management
- { Sole Source Aquifers
- { Endangered Species
- { Wild and Scenic Rivers
- { Clean Air
- { Farmland Protection
- { Environmental Justice
- { Noise Abatement and Control
- { Explosives and Flammable Operations
- { Toxic Chemicals and Radioactive Materials

Funds shall not be obligated or expended until the environmental review process is complete and the Release of Funds requirements have been met. **Obligating or expending funds prior to the Release of Funds date is an ineligible use of contract funds; such funds may have to be returned to OHFA.** Funds cannot be used to reimburse the local general funds for costs incurred prior to the beginning date of the contract.

- Contingency clause to be added to HOME Awardee documents for any project or action before ERR clearance:

Notwithstanding any provision of this document to the contrary, the parties hereto agree and acknowledge that this document does not constitute a commitment of funds or approval for a project or action, and that such commitment of funds or approval of a project or action

may occur only upon satisfactory completion of an environmental review in accordance with US-HUD regulations at 24 CFR Part 58 and subsequent release of HOME program funds through HUD's IDIS system for the project or action to be undertaken.

- ↳ Environmental responsibilities have both legal and financial obligations. The chief executive official of the state recipient assumes the role of certifying official. The state retains the role of certifying official for nonprofits.
- ↳ The Environmental Review Record (ERR) is written documentation recording all environmental reviews undertaken. The ERR must be maintained by the Recipient and shall contain verifiable source documents. The ERR must be available for public review, (24 CFR, Part 58.38).

Procedures

The following should provide a basic understanding of what NEPA is and the requirements of 24 CFR, Part 58.

- ↳ The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and other related authorities listed in this referenced regulation.
- ↳ Environmental review requirements are determined by program activities. The HOME program can fall into **one or more** of five different categories of review. The activities involved in a HOME program will determine which of the five categories will apply. Each category has specific requirements or steps that you must complete.
- ↳ The categories are as follows:
 - { Exempt
 - { Categorically Excluded Not Subject to 58.5
 - { Categorically Excluded Subject to 58.5 (If qualified may convert to Exempt for Release of Funds)
 - { Environmental Assessment
 - { Environmental Impact Statement
- ↳ NEPA requires that several agencies be consulted for their clearance and/or comments on their particular areas of environmental concern. The table on the following page gives information on those agencies and the environmental areas on

which they may comment. Use the comments from each agency to complete the appropriate category of review. The environmental review record **must be documented in writing.**

(The environmental concerns listed on page one apply to the overall HOME program. However, they also apply to each project and its' specific activities as set forth in each category of review. Specific requirements of each category are set out in the Certification for the category and include one or more of the checklists listed below. Documentation of each review must be made by the Recipient and kept in an Environmental Review Record (ERR). Copies of all documents must be kept in an ERR at the Recipient's offices and the original documents must be kept in an ERR at the Responsible Entity's offices (Cities, Towns and Counties are the RE for their projects and OHFA is the RE for Nonprofit and For Profit projects.)

- { 58.5 Statutory Checklist
- { 58.6 Compliance Documentation Checklist
- { Environmental Assessment Checklist

Executive Order 11988 Eight-Step Decision-Making Process must be followed for projects located in the flood plains. The eight-step process includes the publication of two public notices: an Early Public Notice which identifies the activity and solicits comments; and a Notice of Explanation which includes a judgment of whether the benefits of the activity outweigh the environmental consideration. Additionally, written justification of the determination that there are no practical alternatives to the activity site. Full documentation must be included in the Environmental Review Record (ERR).

	Identification of Agency	Areas of Concern	Comments
1.	Environmental Protection Agency Region 6 1446 Ross Avenue Dallas, TX 75202-2733 (214) 655-2263 (EPA)	Noise, Air Quality, Man-made Hazards Water Quality Solid waste	This Agency does not have to be contacted unless a significant impact is determined.
2.	Conservation Commission 2800 North Lincoln, Suite 160 Oklahoma City, OK 73105 (405) 521-2384 (CC)	Wetlands	
3.	U.S. Fish & Wildlife 222 South Houston Tulsa, OK 74127 (918) 581-7458 (F&W)	Wetlands Endangered Species	This Agency does not have to be consulted if your project involves 5 acres or less in rural areas, or rehab/reconstruction of existing structures or homes, purchase of equipment, or financing of existing structures. However, you must insert the Generic Clearance letter in your environmental review record as source documentation.
4.	Natural Resources Conservation Service (Individual Counties Address) (NRCS)	Wetlands Farmland	
5.	State Historic Society State Historic Preservation Officer 2704 Villa Prom Oklahoma City, OK 73107 (405) 521-6249 (SHPO)	Historic Property	This agency will require detailed information, including a picture of the property to be rehabbed, address & legal description is needed, historical review forms, or a certification if the property is less than 45 years old. SHPO will refer you to their Review & Compliance Manual for their exact requirements.
6.	Oklahoma Archaeological Survey 111 East Chesapeake, Building 134 Norman, OK 73019-0575 (405) 325-7211 (ARCH)	Historic Property	
7.	Dept. of the Army, Corps of Eng. P.O. Box 61 1645 South 101 East Avenue Tulsa, OK 74121-0061 (918) 669-7197 (US Corp)	Floodplains Wetlands	If you are doing single family rehab, this agency does not need to be contacted. There are also other times when they do not need to be consulted.
8.	Federal Emergency Management Agency Region VI, Federal Center, 800 North Loop 288 Denton, TX 76201-3698 (817)-898-5161 (FEMA)	Floodplains	Consult this agency only if a local Floodplain Manager is not known.
9.	Dept. of Environmental Quality 1000 N.E. 10th street, Room 1212 Oklahoma City, OK 73117-1212 (405) 271-8056 (DEQ)	Noise, Air Quality, Man-made Hazards, Water Quality, Solid Waste	
10.	Oklahoma Scenic Rivers Commission P.O. Box Tahlequah, OK 74465 (918) 456-3251 (OSRC)	Wild & Scenic Rivers	If you have previous clearance from this Agency from another HOME, or CDBG program, you may use

			this as documentation in the ERR.
--	--	--	-----------------------------------

\ To begin the environmental process, review the program to determine the activities included. The following activities are examples:

- { Administration, Architectural or Engineering Services (*Exempt*)
- { Rehabilitation of Owner Occupied Housing (*Categorically Excluded/Exempt*)
- { Reconstruction of Housing (*Categorically Excluded, if reconstructed on the same footprint, Assessment activity if not on the footprint.*)
- { New Construction (*Assessment Activity*)
- { Tenant Based Rental Assistance (*Categorically Excluded Not Subject to 58.5*)
- { Homebuyer Assistance or Activities (*Categorically Excluded Not Subject to 58.5*)

This list above is just a sample of the more common activities under the HOME program. There may be other activities. **After you have identified the activities applicable to your program, consult OHFA's latest Environmental Review Manual at www.ohfa.org under Housing Development / HOME Program / Environmental Review Manual to determine the specific requirements.**

Additional Resource:

Environmental Review