

## EXHIBIT 8-H ENVIRONMENTAL REVIEW PROCEDURES

### NEW REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION-FORM 7015.15

HUD Form 7015.15 (Request for Release of Funds and Certification) has been revised. All Responsible Entities (RE) should use the new form when preparing a Request for Release of Funds and Certification (RROF). The request form is on pages 8-H.3 and 8-H.

Environmental Review Procedures in 24 CFR Part 58.34(a)(1-12) allow the draw down of CDBG funds without completing a Request for Release of Funds (RROF) *if an activity is "Exempt"* and the determination is in writing.

- ❑ When an activity is "*Categorically Excluded*" and completion of the *Statutory Checklist* indicates *no circumstances* that require compliance with any of the Federal laws and authorities cited in Part 58.5, it can be converted to exempt status as allowed in Part 58.34(a)(12). *No public notice or RROF is necessary.*
- ❑ When an activity is "*Categorically Excluded,*" and completion of the *Statutory Checklist* indicates compliance with a Federal law or authority cited in Part 58.5 is required, a *Notice of Intent to Request Release of Funds (NOI/RROF)* must be published and a RROF submitted to the MDOC.
- ❑ If an activity is *neither "Exempt" nor "Categorically Excluded,"* a full Environmental Assessment must be completed and a Finding of No Significant Impact (FONSI) and NOI/RROF published prior to submitting a RROF to the MDOC for processing.

Information regarding completion of the new RROF is as follows:

#### **Part 1:**

**Block 1 - Program Title(s):** Identify the program for which funds are being requested for release. (CDBG ED Program, CDBG Public Facility, etc.)

**Block 2-HUD/State Identification Number:** Each CDBG Program grant has an individual identification number. For example, a CDBG-ED Program with a grant number of MT-CDBG-11ED-01 would identify certain information regarding the program: CDBG-indicates the CDBG program: 11-Program Year: ED-Economic Development Program: 01-the first grant within the program year.

**Block 3-Recipient Identification:** This number has no meaning to the state and may be left blank if the RE or recipient chooses. Some entities use an identification number for accounting or other purposes.

Block 4-OMB Catalogue No(s): The Office of Management and Budget issues an annual catalogue of Federal Domestic Assistance Programs with a codified number for each. For example, the Community Development Block Grant Program number is 14.228 and the Emergency Shelter Grant Program is 14.231.

Block 5-Name and Address of Responsible Entity: Self-explanatory.

Block 6-For Information About This Request Contact: Identify the name and telephone number of the person the MDOC can contact if additional information or clarification is necessary.

Block 7-Name and Address of Recipient (if different from responsible entity): If the recipient of the CDBG funds is not the RE, the name and address of the recipient should be identified.

Block 8-HUD or State Agency & Office Unit to Receive Request: For the **CDBG ED Program**, the RROF, along with proof of publication should be addressed to:

Montana Department of Commerce  
Business Resources Division  
Community Development Block Grant Program  
301 South Park Ave.  
P.O. Box 200505  
Helena, MT 59620-0505

Block 9-Program Activity/Project Name: The project name or activity should be identified.

Block 10-Location: Identify the location of the activity. For activities such as water/sewer lines and street paving the streets and boundaries should be identified.

Block 11-Program Activity/Project Description: This block should describe the activity/project.

## **Part 2: Environmental Certification:**

Number 5: Be sure and check one of the boxes to certify the project did or did not require an Environmental Impact Statement.

Number 7: The RROF must be signed and dated by the certifying official of the RE. The title and address of the certifying official should be included. Normally the Mayor, City Manager, Chairperson of the county commission or county administrator is the certifying official. If it is someone else, a resolution by the county commission or city council authorizing that person to sign the RROF should be provided when submitting a RROF.

## **Part 3:**

This section should be completed only if the recipient of CDBG assistance is not the RE. The RE is the unit of general local government within which the project is located that exercises land use responsibility. A RE is not always the recipient of CDBG assistance but is responsible for completing the environmental review and RROF.

# 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 I. Program Description and Request for Release of Funds (to be completed by the Responsible Entity)

1. Program Titles(s):	2. HUD/State Identification Number:	3. Recipient Identification Number: (optional)
4. OMB Catalog No(s):	5. Name & Address of Responsible Entity:	
6. For information about this request, Contact:	7. Name & Address of Recipient: (if different from responsible entity)	
8. HUD or State Agency & Office Unit to Receive Request:		

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 assistance for the following:

9. Program Activity/Project Name:	10. Location: (street, address, city, county, & state)
11. Program Activity/Project Description:	

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**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.

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Signature of Certifying Officer of the Responsible Entity:

Title of Certifying Officer:

Date Signed:

X

Address of Certifying Officer

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

The recipient 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 the environmental conditions in accordance with 24 CFR 58.71(b).

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Signature of Authorized Officer of the Recipient:

Title of Authorized Officer:

Date Signed:

X

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**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 USC 101, 1010, 1012; 31 USC 3729, 3802).

form HUD-7015.15 (1/99)

**FINDING OF CATEGORICAL EXCLUSION UNDER 24 CFR 58.35(b)(4)**

*(SAMPLE - To be Completed on Local Government Letterhead. Exclude footnote .)*

Date

(Name of CDBG Program Officer)

Montana Department of Commerce  
Economic Development Division  
Community Development Block Grant Program  
P.O. Box 200505  
Helena, MT 59620-0505

Dear (CDBG Program Officer):

On ( Date ) the ( name of community ) received notice from the Montana Department of Commerce that the application for an economic project under the Montana Community Development Block Grant (CDBG) Program has been tentatively approved. Pursuant to this notification, it is the finding of ( name of community ) that the following activities approved for funding under the State administered CDBG Program are defined as categorically excluded under 24 CFR Part 58.35. Furthermore, after completing the Statutory Checklist, it is the finding of ( name of community ), that the activities listed below are **not** subject to 24 CFR 58.5 and are categorically excluded under 24 CFR 58.35(b)(4)<sup>1</sup>:

*(Describe All Project Activities Here)*

Sincerely,

\_\_\_\_\_  
*Signature of Chief Elected Official*

<sup>1</sup> §58.35(b) *Categorical exclusions not subject to Sec. 58.5.* The Department has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in Sec. 58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in paragraph (c) of this section. Following the award of the assistance, no further approval from HUD or the State will be needed with respect to environmental requirements, except where paragraph (c) of this section applies. The recipient remains responsible for carrying out any applicable requirements under Sec. 58.6.

*(4) 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**;*

**FINDING OF CATEGORICAL EXCLUSION UNDER 24 CFR 58.35(a)**

*(Sample - To Be Completed on Local Government Letterhead)*

(Date)

(Name of CDBG Program Officer)

Montana Department of Commerce  
Local Government Assistance Division  
1424 9th Avenue  
P.O. Box 200501  
Helena, MT 59620-0501

Dear (Name of CDBG Program Officer):

It is the finding of the (Name of Grantee: City, Town or County of) Montana, that the following activities approved for funding under the Montana CDBG program are defined as categorically excluded under 24 Part 58.35 of the Environmental Review Procedures for Title I Community Development Block Grant Programs, and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the statutory authority for exclusion are listed below:

*List applicable activities, descriptions, and authority. For example:*

1. *Expansion of XYZ Nursing Home, located at 123 First Avenue, Sunrise, Montana*

*Authority -- Section 58.35(a)(3)(ii):*

*Rehabilitation of buildings when the following conditions are met . . . In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; **and** (B) the activity does not involve a change in land use . . .*

Compliance with the environmental requirements of other federal authorities is indicated on the attached Statutory Checklist.

Sincerely,

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*(Signature of Environmental Certifying Official  
or Chief Elected Official)*

# ENVIRONMENTAL REVIEW FLOWCHART 24 CFR PART 58

8-H.7

