

CHAPTER 2
ENVIRONMENTAL REVIEW

Table of Contents

I. OVERVIEW	1
Considering Alternatives to the Proposed Action.....	1
The HOME Grantee: CHDO/PHA or Local Government.....	2
II: THE HOME GRANTEE IS A CHDO OR PHA	2
III: THE HOME GRANTEE IS A LOCAL GOVERNMENT.....	4
IV: SINGLE FAMILY NONCOMPETITIVE PROGRAM	6
IV. OTHER ENVIRONMENTAL ISSUES	7
Lead-Based Paint.....	7
HUD Lead Safe Housing Rule	8
EPA Renovation, Repair and Painting Rule.....	9
Asbestos.....	9
Radon.....	11
EXHIBITS.....	13

CHAPTER 2

ENVIRONMENTAL REVIEW

I. OVERVIEW

The purpose of this chapter is to provide guidance on the environmental review process required under federal HOME regulations. These regulations (24 CFR §92.352) require a formal assessment of possible environmental effects for each activity carried out with HOME funds. This assessment must be done according to requirements found in 24 CFR Part 58. This chapter provides current rule requirements, and clarifies review responsibilities of Montana Department of Commerce (MDOC), Public Housing Authorities (PHAs) and Community Housing Development Organizations (CHDOs), and Local Governments with regard to the environmental review process.

 The U.S. Department of Housing & Urban Development (HUD) places restrictions on project activities in accordance with 24 CFR §58.22, *Limitations on activities pending clearance*. Completion of the environmental review process is mandatory before taking physical action on a site, or making a commitment or expenditure of HOME or non-HOME funds for property acquisition (purchase), rehabilitation, conversion, lease, repair, or construction activities. “Non-HOME funds” means any Federal, state, local, private, or other funds.

Funds for a project will not be released until the environmental review has been completed and approved. Grantees should begin the environmental review process at the earliest possible time so that potential conflicts between program procedures and environmental requirements are identified at an early stage. The Environmental Checklist in the Uniform Application submitted as part of a competitive HOME grant application does *not* meet HUD requirements for an environmental review. The purpose of the checklist is to assist applicants to initially evaluate environmental circumstances that may affect the proposed project and to raise awareness of possible problems if the grant is awarded.

Considering Alternatives to the Proposed Action

Grantees completing an Environmental Assessment will be required to:

- Identify and discuss all reasonable alternative courses of action that were considered and were not selected, such as alternative sites, designs, or other uses of the subject site(s).
- Describe the benefits and adverse impacts to the human environment of each alternative, in terms of environmental, economic, and design contexts, and the reasons for rejecting each alternative.
- Discuss the merits of the alternative selected.

- Discuss the benefits and adverse impacts to the human environment of not implementing the “no action” alternative.

The alternatives analysis should be able to give a clear indication of:

- Why the particular range of alternatives were developed.
- The process through which the alternatives were developed.
- With what kind of public and agency input the alternatives were developed.

Another key component is examining why alternatives were eliminated from consideration during the process:

- Through the use of what criteria.
- At what point in the process.
- What parties were involved in the criteria for elimination.

For more complicated projects, Applicants/Grantees may want to consider using a summary table that lists all alternatives and factors considered. For example:

SUMMARY OF PROPOSED ALTERNATIVES					
Alternative Number	Alternative Description	Environmental Pros & Cons	Economic Pros & Cons	Engineering Pros & Cons	Etc.
1	Rehab Facility				
2	Expand Facility				
3	New Facility				
4	No Action				

Since HOME Program Grantees often go through the process of considering alternatives and tentatively selecting a course of action prior to submitting the HOME application, potential Applicants should meticulously document that process so the requirements of Alternatives to the Proposed Action can be completed should an Environmental Assessment be necessary for the project.

The HOME Grantee: CHDO/PHA or Local Government

There are some differences in how the environmental review process is handled, depending on whether the HOME Grantee is a CHDO or PHA, or if the HOME Grantee is a Local Government. See **Part II** if the HOME Grantee is a CHDO or PHA; see **Part III** if the HOME Grantee is a Local Government.

II: THE HOME GRANTEE IS A CHDO OR PHA

If the Grantee is a CHDO or PHA, the CHDO or PHA must secure an agreement with the local government in whose jurisdiction the project is located to conduct/prepare the environmental review on their behalf. (See **Exhibit 2-A, Agreement by Local Government to Prepare Environment Review.**)

For projects spanning the jurisdiction of several municipalities or counties, each local government must commit to preparing the environmental review and designate the preparer(s) for its jurisdiction. In addition, the local government must designate a person, or persons, to prepare the environmental review (see **Exhibit 2-D**, *Designation of Preparer*) in collaboration with the CHDO or PHA.

The Responsible Entity (RE), CHDO and PHA grantees is the Montana Department of Commerce. The MDOC is responsible for ensuring the proper classification, completeness, and accuracy of the environmental review. If applicable, MDOC is also responsible for executing the request of release of funds (RROF), **Exhibit 2-H.1** or **2-J.1**, and submitting it to HUD, which will issue the environmental clearance and release funds.

Use the following chart for guidance for completing the environmental review process. Use the top rows to find the type of project (rehabilitation, new construction, etc.); and fill out all sections listed in the appropriate column below. All listed sections in the project's respective column must be completed.

**HOME Grantee = CHDO or PHA
RE = Montana Department of Commerce**

		Acquisition			No Acquisition	
		Acquisition Only	Acquisition & New Construction	Acquisition & Rehab	New Construction	Rehab
Completed Pre-Application / Post Award ¹	Exhibit 2-A: <i>Agreement by Local Government to Prepare Environmental Review for CHDO or PHA</i>	X	X	X	X	X
	Exhibit 2-D: <i>Designation of Preparer</i>	X	X	X	X	X
Completed Post Award	Exhibit 2-E: <i>Finding of Exemption Form</i>	X	X	X	X	X

¹ These documents should have been completed before the HOME Application was submitted; if anything has changed between when the HOME Application was submitted and HOME funds were awarded, they may need to be updated prior to beginning Environmental Review process.

		Acquisition			No Acquisition	
		Acquisition Only	Acquisition & New Construction	Acquisition & Rehab	New Construction	Rehab
Completed Prior to Release of Funds	Exhibit 2-G: <i>Categorically Excluded, and Subject to 24 CFR Part 58.5, Form²</i>	X				
	Exhibit 2-H.1: <i>Notice of Intent to Request Release of Funds (NOI / RROF) Form</i>	X				
	Exhibit 2-I: <i>Environmental Assessment Form</i>		X	X	X	X
	Exhibit 2-J.1: <i>Finding of No Significant Impact, Notice of Intent to Request Release of Funds (FONSI / NOI / RROF) Form</i>		X	X	X	X
	Exhibit 2-K.1: <i>Request for Release of Funds Certification (form HUD-7015.15)</i>		X	X	X	X

III: THE HOME GRANTEE IS A LOCAL GOVERNMENT

The Responsible Entity (RE) for a Local Government Grantee is the local government. The Local Government is responsible for ensuring the proper classification, completeness, and accuracy of the environmental review. If applicable, the Local Government is also responsible for executing the request of release of funds (RROF), **Exhibit 2-H.1 (2-H.2)** or **2-J.1 (2-J.2)**, and submitting it to MDOC, which issues the environmental clearance, if applicable.

When signing the *Request of Release of Funds and Certification*, the local governments Certifying Official (CO) is certifying the local government (as the RE):

- Has carried out its responsibilities for environmental review, decision-making and action pertaining to the proposed HOME-funded project
- Has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969 (NEPA), 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.
- Has, after considering the type and degree of environmental effects identified by the environmental review completed for the proposed project, found that the proposal did not require the preparation and dissemination of an environmental impact

² In certain limited instances, a project that is considered *Categorically Excluded, and Subject to 24 CFR Part 58.5*, may convert to *Exempt* after the Statutory Checklist has been completed (see instructions for the Statutory Checklist, **Exhibit 2-G.2**, for further guidance)

statement (EIS). (Note: If it is an EIS is needed, contact the HOME Program immediately for further guidance.)

- 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 evidenced by the copy (copies) or evidence of posting and mailing procedure attached to the environmental review package submitted to the HOME Program.
- Is in compliance with procedures and requirements of 24 CFR Part 58 relating to the dates for all statutory and regulatory time periods for review, comment, or other action.
- Has, in accordance with 24 CFR §58.71(b), advised 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, the CO is also certifying that:

- He/she is authorized to and consents 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.
- He/she is authorized to and accepts on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in his/her capacity as certifying officer of the responsible entity

Local governments must designate an individual to serve as the Certifying Official. Typically, this individual will be the mayor, city manager, chair of the county commissioners, or other chief elected official. See **Exhibit 2-B** for a sample designation letter.

If someone other than an ***elected*** official is designated as the CO, a local government ***resolution*** is required to designate a CO. The resolution may be done by motion at an official meeting. A record of the meeting must be provided to the HOME Program. A sample resolution designating a CO for a HOME grant (only) is provided in **Exhibit 2-C.1**. Refer to **Exhibit 2-C.2** for sample resolution designating an individual or position in local government as CO for all federal programs, including HOME and CDBG

In addition, the local government must designate a person, or persons, to ***prepare*** the environmental review. Refer to **Exhibit 2-D** for sample Designation of Preparer. The preparer(s) cannot be the Certifying Official.

Use the following chart for guidance for completing the environmental review process. Use the top rows to find the type of project (rehabilitation, new construction, etc.); and fill out all sections listed in the appropriate column below. All listed sections in the project's respective column must be completed.

**PART III: HOME Grantee = Local Government
RE = Local Government**

		Acquisition			No Acquisition	
		Acquisition Only	Acquisition & New Construction	Acquisition & Rehab	New Construction	Rehab
Completed Pre-Application / Post Award ³	Exhibit 2-B, <i>Designation of Certifying Official (CO)</i>	X	X	X	X	X
	Exhibit 2-C.1 or 2-C.2, <i>Resolution (if CO not elected official)</i>	X <small>(if CO not elected official)</small>				
	Exhibit 2-D, <i>Designation of Preparer</i>	X	X	X	X	X
Completed Post Award	Exhibit 2-E: <i>Finding of Exemption Form</i>	X	X	X	X	X
Completed Prior to Release of Funds	Exhibit 2-G: <i>Categorically Excluded and Subject to 24 CFR Part 58.5, Form</i>	X				
	Exhibit 2-H.1 (2-H.2): <i>Notice of Intent to Request Release of Funds (NOI / RROF) Form</i>		X	X	X	X
	Exhibit 2-I: <i>Environmental Assessment Form</i>	X				
	Exhibit 2-J.1 (2-J.2): <i>Finding of No Significant Impact, Notice of Intent to Request Release of Funds (FONSI / NOI / RROF) Form</i>		X	X	X	X
	Exhibit 2-K.1 (2-K.2): <i>Request for Release of Funds Certification (form HUD-7015.15)</i>		X	X	X	X

IV: SINGLE FAMILY NONCOMPETITIVE PROGRAM

Under Construction

³ These documents should have been completed before the HOME Application was submitted; if anything has changed between when the HOME Application was submitted and HOME funds were awarded, they may need to be updated prior to beginning Environmental Review process.

IV. OTHER ENVIRONMENTAL ISSUES

Lead-Based Paint

Many homes and apartments built before 1978 have paint that contains lead, which is referred to as lead-based paint (LBP). LBP is defined as paint on surfaces with lead in excess of 1.0 milligram per square centimeter (1.0 mg/cm²) as measured by an x-ray fluorescence detector, or 0.5 percent by weight.

Lead from paint, chips and dust can pose serious health hazards if not addressed properly. Children under six years and pregnant women are particularly at risk. Lead exposure among pregnant women can cause premature birth, low birth weight, or miscarriages. Exposure to lead by children can lead to nervous system damage, learning and speech disabilities, behavioral problems, hearing damage, and decreased physical development. Exposure to lead comes from breathing or swallowing lead dust, or by eating soil or paint chips containing lead.

Due to the serious nature of lead poisoning from exposure to lead-based paint hazards, particularly among children, LBP regulations are fully enforced by MDOC and HUD. HUD's Lead Safe Housing Rule (LSHR), which is found in HUD's regulations at 24 CFR Part 35, Subparts B through M, generally applies to work performed in target housing units receiving HUD housing assistance, such as rehabilitation or acquisition assistance. If HOME funds are to be spent on a housing unit or to provide assistance to a tenant, **compliance requirements must be strictly adhered to** so that homebuyers, homeowners, and tenants avoid LBP hazards.

The following types of housing are not covered by the LBP requirements:

- Housing built after December 31, 1977 (post-1977 housing), when lead paint was banned for residential use
- Housing **exclusively** for the elderly or people with disabilities, unless a child under age 6 is expected to reside there
- Zero-bedroom dwellings, including efficiency apartments and single-room occupancy housing units
- Housing that has found to be free of lead-based paint by an EPA-certified lead-based paint inspector
- Property where all lead-based paint has been identified, removed, and clearance has been achieved
- Unoccupied housing that will remain vacant until it is demolished
- Any rehabilitation or housing improvement that does not disturb a painted surface

Lead-based paint is not considered a hazard if it is in good condition, and it is not on an impact or friction surface, like a window. Deteriorating lead-based paint (peeling, chipping, chalking, cracking or damaged) is a hazard and needs immediate attention. It may also be a hazard when found on surfaces that children can chew or that get a lot of

wear-and-tear, such as windows and window sills, doors and door frames, stairs, railings, banisters, and porches. HOME grantees should provide the brochure Protect Your Family from Lead in Your Home to households residing in pre-1978 housing. The brochure is also available in available in Spanish, Russian, Vietnamese, Somali, and Arabic.

For housing built before January 1, 1978 (pre-1978 housing) that has been kept in good repair and upon a visual assessment is determined not to have deteriorated paint, LBP is not considered a hazard. Only a HUD-qualified person may conduct a visual assessment. Grantees wishing to perform the initial visual assessment may take the free on-line Visual Assessment Training course provided by HUD.

HUD Lead Safe Housing Rule

HUD's specific requirements under the Lead Safe Housing Rule depend on the total amount of Federal (not just HOME) rehabilitation assistance the project is receiving.

Rehabilitation Assistance, including Single-family and Multi-family	1) Pre-1978 unit receiving less than or equal to \$5,000 per unit	<ul style="list-style-type: none"> ➤ Provision of pamphlet ➤ Paint testing of surfaces to be disturbed, or presume LBP ➤ Safe work practices in rehab ➤ Repair disturbed paint ➤ Notice to occupants
	2) Pre-1978 unit receiving more than \$5,000 and up to \$25,000 per unit	<ul style="list-style-type: none"> ➤ Provision of pamphlet ➤ Paint testing of surfaces to be disturbed, or presume LBP ➤ Risk assessment ➤ Interim controls ➤ Notice to occupants ➤ Ongoing LBP maintenance
	3) Pre-1978 unit receiving more than \$25,000 per unit	<ul style="list-style-type: none"> ➤ Provision of pamphlet ➤ Paint testing of surfaces to be disturbed, or presume LBP ➤ Risk assessment ➤ Abatement of LBP hazards ➤ Notice to occupants ➤ Ongoing LBP maintenance
Acquisition, including Homebuyer Assistance	Pre-1978 unit	<ul style="list-style-type: none"> ➤ Provision of pamphlet ➤ Visual assessment ➤ Paint stabilization ➤ Notice to occupants ➤ Ongoing LBP maintenance
Tenant-Based Rental Assistance	Pre-1978 unit	<ul style="list-style-type: none"> ➤ Provision of pamphlet ➤ Visual assessment ➤ Paint stabilization ➤ Notice to occupants ➤ Response to elevated blood level (ELB) child
NOTE: Clearance is always required after abatement, interim controls, paint stabilization, or standard treatments unless the area is below <i>de minimis</i> levels.		

EPA Renovation, Repair and Painting Rule

On April 22, 2008, EPA issued the Renovation, Repair and Painting Rule (RRP) a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Until that time, HUD and EPA recommend that anyone performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools follow lead-safe work practices.

There are some differences between the EPA RRP Rule and the HUD Lead Safe Housing Rule. A major difference is that the LSHR requires clearance examinations. All housing receiving federal assistance must still comply with the LSHR.

Since December 2008, the RRP has required that contractors performing renovation, repair and painting projects that disturb lead-based paint provide to owners and occupants of child care facilities and to parents and guardians of children under age six that attend child care facilities built prior to 1978 the lead hazard information pamphlet **Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools.**

Beginning April 22, 2010, the rule affected paid renovators who work in pre-1978 housing and child-occupied facilities, including:

- Renovation contractors
- Maintenance workers in multi-family housing
- Painters and other specialty trades.

Under the rule, child-occupied facilities are defined as **residential**, public or commercial buildings where children under age six are present on a regular basis. The requirements apply to renovation, repair or painting activities. The rule does not apply to minor maintenance or repair activities where less than six square feet of lead-based paint is disturbed in a room or where less than 20 square feet of lead-based paint is disturbed on the exterior. Window replacement is **not** minor maintenance or repair.

Asbestos

Asbestos is the name for a group of naturally occurring minerals that separate into strong, very fine fibers. Because of its heat resistance and durability, asbestos has been used extensively in construction and industrial applications. In residential applications, asbestos has been used most commonly in materials used for purposes of reinforcement, heat and cold insulation, condensation control, fire protection, sound dampening, decoration, and texturing.

Asbestos is a health concern because it is a carcinogen. Asbestos can break down into very small fibers that can become airborne and stay airborne for a long time. Exposure

generally occurs by inhalation or ingestion. Because of their durability, these fibers can remain in the body for many years and thereby become the cause of asbestos-related diseases, such as asbestosis, mesothelioma, and other cancers.

An asbestos containing material (ACM) is any material that contains more than 1% asbestos. "Friable" asbestos materials pose the greatest health risk because of their ability to easily become airborne, and are thus the most regulated ACM. The EPA defines "friability" as the ability of a dry asbestos-containing material to be crumbled, pulverized, or reduced to powder *by hand pressure*. Examples of a friable ACM include thermal system insulation and spray-on fireproofing. ACM such as floor tile, roofing, and asbestos cement products are typically non-friable; however, demolition and renovation activities can often render non-friable ACM friable.

The State of Montana is delegated by EPA to administer sections of the asbestos NESHAP (National Emission Standard for Hazardous Air Pollutants) regulations, through the Montana Department of Environmental Quality's (MDEQ) Asbestos Control Program. The Asbestos Control Program regulates "asbestos abatement" activities in buildings where **three (3) or more linear or square feet of friable or potentially friable ACM are abated**. According to the Asbestos Control Program, asbestos abatement includes "the removal, encapsulation, enclosure, repair, renovation, demolition, placement, transportation, and/or disposal of friable or *potentially-friable* ACM." Asbestos abatement projects require abatement permits, the use of trained and accredited asbestos personnel, proper abatement control measures, and testing.

The most likely scenario for asbestos issues in a HOME project is during rehabilitation of a structure. If a HOME project meets the above definition of an "asbestos abatement project" there are certain requirements that must be met:

- Asbestos abatement projects require an inspection by a Montana Accredited Asbestos Inspector **prior to** renovation or demolition activities.
- All ACM that will be impacted by renovation or demolition activities **must be removed before** demolition or renovation activities begin.
- **The Asbestos Control Program must be notified 10 working days prior to asbestos abatement and demolition activities.**
- Asbestos abatement projects require a permit from the Asbestos Control Program and must be done by persons with a Montana Contractor/Supervisor or Worker accreditation. Lists of accredited Asbestos Consultants, Contractors, Laboratories⁴, and Class II Landfills⁵ is provided by MDEQ Asbestos Control Program for your use and information.

⁴ The laboratories have requested listing on MDEQ's website and are laboratories approved under the National Voluntary Laboratory Accreditation Program (NVLAP) for testing asbestos using Polarized Light Microscopy (PLM), Phase Contrast Microscopy (PCM), Transmission Electron Microscopy (TEM), or Scanning Electron Microscopy (SEM) procedures. The list is not representative of all laboratories that are NVLAP approved.

⁵ The landfills listed are approved Class II landfills that accept friable asbestos containing waste. Contact the landfill before transporting waste to their facility to ensure they are accepting friable asbestos containing waste and other regulatory requirements.

If your HOME project involves any type of asbestos abatement, contact the Asbestos Control Program as soon as possible for further guidance. The MDEQ's Asbestos Control Program may be reached at 406-444-6762. Their web site is <http://deq.mt.gov/Asbestos/default.mcp>.

Another agency having regulatory authority over asbestos abatement projects is the Federal Occupational Safety and Health Administration (OSHA). OSHA regulates worker safety and health as they relate to asbestos in the construction industry. Like the Asbestos Control Program, OSHA's asbestos standard (29 CFR §1926.1101) also requires an asbestos inspection prior to initiating construction activities, as part of its hazard communication requirement. DEQ's Asbestos Control Program regulations have adopted by reference some of OSHA's asbestos regulations; however, for more complete information on OSHA's regulatory and reporting requirements, contact OSHA at 800-321-6742. OSHA also maintains a regional office in Denver (406-264-6550) and an area office in Billings (406-247-7494).

If your HOME project involves any type of asbestos abatement and you are uncertain how to proceed, contact your HOME Program Officer.

Radon

Radon is a naturally occurring gas, produced by the breakdown of uranium in soil, rock and water. Air pressure inside a home is usually lower than pressure in the soil around the home's foundation. Because of this difference in pressure, a house can act like a vacuum, drawing radon in through the foundation cracks and other openings. Radon may also be present in well water and can be released into the air in a home when water is used for showering and other household uses. In most cases, however, radon entering a home through water is a small risk compared to radon entering a home from the ground.

The amount of radon in the air is measured in "Pico curies of radon per liter of air," or "pCi/L". The U.S. Congress has set a long-term goal that indoor radon levels be no more than outdoor levels. There are about 0.4 pCi/L of radon normally found in the outside air. The U.S. Environmental Protection Agency (EPA) recommends fixing a structure if the results of testing show indoor radon levels at 10 times (4.0 pCi/L) the normal level or higher. If testing shows between 2 and 4 pCi/L building owners should consider fixing the structure.

A radon disclosure statement must be provided on at least one document prior to the execution of any contract for purchase of all inhabitable real property. The buyer shall acknowledge receipt of the disclosure statement by signing a copy of the disclosure statement.

If a seller knows the building has been tested for radon gas, the seller must provide a copy of the results of that test and evidence of any subsequent mitigation or treatment. If testing was not accomplished, a statement will appear on the transaction documents stating testing was not accomplished, in addition to a statement about the health hazards caused by the presence of radon.

HOME grantees conducting homebuyer programs should provide EPA's *Home Buyer's and Seller's Guide to Radon* to households receiving HOME assistance. Additional tools and resources for use by the real estate community are available EPA's Radon and Real Estate webpage.

Other sources of information are available in the form of several booklets produced by EPA, which are available on EPA's radon website. Find the State of Montana's radon contact and other information at <http://www.epa.gov/radon/states/montana.html>. HUD also has information available about radon on its Office of Healthy Homes and Lead Hazard Control website.

If radon becomes an issue in your HOME project, contact your HOME Program Officer for assistance.

EXHIBITS

PART I: GENERAL EXHIBITS

- Exhibit 2-A:** Agreement by Local Government to Prepare Environmental Review for CHDO or PHA (*for project within local government's jurisdiction*)
- Exhibit 2-B:** Exhibit 2-B Designation of Certifying Official [NOTE: If someone other than the Chief Elected Official (Mayor or Chairperson of the County Commission) is chosen to serve as the certifying official, a local government resolution, Exhibit 2-C, is required.]
- Exhibit 2-C1:** Sample Resolution for Designating Certifying Official: Local Government Use ONLY, to be completed if Certifying Official is not Chief Elected Official [HOME Program Funding ONLY]
- Exhibit 2-C2:** Sample Resolution for Designating Certifying Official: Local Government Use ONLY, to be completed if Certifying Official is not Chief Elected Official [Multiple Federal Funding Sources]
- Exhibit 2-D:** Designation of Environmental Preparer
- 2-D2:** Sample Local Government Letter for Designation of Preparer on Behalf of CHDO or PHA
- 2-D3:** Sample Local Government Resolution for Designation of Preparer on Behalf of CHDO or PHA
- 2-D4:** Sample Letter for Designation of Preparer for Local Government
- 2-D5:** Sample Local Government Resolution for Designation of Preparer
- Exhibit 2-E.1:** Finding of Exemption (*Documentation of Exemption for Projects/Activities Found at 24 CFR §58.34(a), which Are Exempt from National Environmental Policy Act Environmental Review*)
- Exhibit 2-E.2:** INSTRUCTIONS for Preparing the Finding of Exemption
- Exhibit 2-F.1:** Categorically Excluded, and Not Subject to 24 CFR §58.5, Form (*Documentation of a Categorical Exclusion for Projects/Activities Found at 24 CFR §58.35(b), Which Are Not Subject to the Federal Laws and Authorities Found at 24 CFR §58.5, but which Are Subject to the Other Requirements Found at 24 CFR §58.6*)
- Exhibit 2-F.2:** INSTRUCTIONS for Preparing the Categorically Excluded, and Not Subject to 24 CFR §58.5, Form
- Exhibit 2-G.1:** Categorically Excluded, and Subject to 24 CFR §58.5, Form (*Documentation of a Categorical Exclusion for Projects/Activities Found at 24 CFR §58.35(a), which Are Subject to the Federal Laws and Authorities Found at 24 CFR §58.5 and the Other Requirements found at 24 CFR §58.6*)
- Exhibit 2-G.2:** INSTRUCTIONS for Preparing the Categorically Excluded, and Subject to 24 CFR §58.5, Form
- Exhibit 2-H.1:** Notice of Intent to Request Release of Funds (NOI/RROF) Form

- Exhibit 2-H.2:** INSTRUCTIONS for Preparing the NOI/RROF Form
- Exhibit 2-I.1:** Environmental Assessment Form (*Documentation of an Environmental Assessment for Projects/Activities Found at 24 CFR §58.36, which Are Subject to the Federal Laws and Authorities Found at 24 CFR §58.5 and Other Requirements found at 24 CFR §58.6*)
- Exhibit 2-I.2:** INSTRUCTIONS for Preparing the Environmental Assessment Form
- Exhibit 2-J.1:** Finding of No Significant Impact, Notice of Intent to Request Release of Funds (FONSI/NOI/RROF) Form
- Exhibit 2-J.2:** INSTRUCTIONS for Preparing the FONSI/NOI/RROF Form
- Exhibit 2-K.1:** Request for Release of Funds and Certification - form HUD-7015.15;
- Exhibit 2-K.2:** INSTRUCTIONS for Preparing the Request for Release of Funds and Certification - form HUD-7015.15;
- Exhibit 2-L.1:** Site Specific Project Review for **Homebuyer Assistance** Form (*Intended for use **Exhibit 2-F.1**, CENST, environmental reviews conducted for single family housing acquisition, i.e., homebuyer assistance*)
- Exhibit 2-L.2:** Site Specific Project Review for **Homebuyer Assistance** Form (*Intended for use following **Exhibit 2-G.1**, CEST, environmental reviews conducted for owner-occupied rehabilitation*) [Under Construction]
- Exhibit 2-L.3:** INSTRUCTIONS for Preparing the Site Specific Project Review Form [Under Construction]

PART II: EXHIBITS FOR ADDRESSING THE STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5, HUD ENVIRONMENTAL STANDARDS, AND 24 CFR §58.6—OTHER REQUIREMENTS (STATUTORY CHECKLIST)

➤ **Addressing Historic Properties**

- Exhibit 2-M.1:** Letter to State Historic Preservation Office
- Exhibit 2-M.2:** Montana Historic Property Record for HUD Properties
- Exhibit 2-M.3:** INSTRUCTIONS for Montana Historic Property Record for HUD Properties

➤ **Addressing Floodplain Management**

- Exhibit 2-N.1:** Eight-Step Decision-Making Process for Floodplains and/or Wetlands
- Exhibit 2-N.2:** Early Notice of a Potential Impact to a Flood Hazard Area and/or Wetlands
- Exhibit 2-N.3:** Final Notice of a Potential Impact to a Flood Hazard Area and/or Wetlands
- Exhibit 2-N.4:** Eight-Step Decision-Making Process **Example**

➤ **Addressing Wetland Protection**

Exhibit 2-O.1: Letter to U.S. Army Corps of Engineers

Exhibit 2-N.1: Eight-Step Decision-Making Process for Floodplains and/or Wetlands

Exhibit 2-N.2: Early Notice of a Potential Impact to a Flood Hazard Area and/or Wetlands

Exhibit 2-N.3: Final Notice of a Potential Impact to a Flood Hazard Area and/or Wetlands

Exhibit 2-N.4: Eight-Step Decision-Making Process **Example**

➤ **Sole Source Aquifers**

Exhibit 2-P (*reserved*)

➤ **Wild and Scenic Rivers**

Exhibit 2-Q.1: Letter to National Park Service

➤ **Coastal Zone Management**

(Not applicable; there are no coastal barriers identified in HUD Region VIII and in HUD Office of Native Americans, Northern Plains, states of CO, MT, NE, ND, SD, UT, and WY.)

➤ **Endangered Species**

Exhibit 2-R.1: Letter to U.S. Fish & Wildlife Service

➤ **Air Quality**

Exhibit 2-S: (*reserved*)

➤ **Farmland Protection Policy Act**

Exhibit 2-T: (*reserved*)

➤ **Environmental Justice**

Exhibit 2-U: (*reserved*)

➤ **Noise Abatement and Control**

Exhibit 2-V: (*reserved*)

➤ **Explosive and Flammable Operations**

Exhibit 2-W: (*reserved*)

➤ **Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances**

Exhibit 2-X: (*reserved*)

➤ **Airport Clear Zones and Accident Potential Zones**

Exhibit 2-Y: *(reserved)*

PART III: EXHIBITS FOR ADDRESSING LEAD-BASED PAINT

Exhibit 2-AA.1: Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards for Homebuyers

Exhibit 2-AA.2: Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards for Renters

Exhibit 2-AA.3: SAMPLE Pre-Renovation Form

Exhibit 2-AA.4: *Protect Your Family from Lead in Your Home* Pamphlet

Exhibit 2-AA.5: *The Lead-Safe Certified Guide to Renovate Right* Pamphlet

Exhibit 2-AA.6: Notice of Lead-Based Paint Inspection

Exhibit 2-AA.7: Notice of Lead-Based Paint Risk Assessment

Exhibit 2-AA.8: Notice of Lead Hazard Evaluation or Presumption

Exhibit 2-AA.9: Notice of Lead Hazard Reduction