

St. Johns County Community Development Block Grant — Disaster Recovery Environmental Review Policies and Procedures

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SUMMARY

The U.S. Department of Housing and Urban Development (HUD) allocated Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the State of Florida Department of Economic Opportunity (DEO). This funding is being distributed in federally-declared disaster counties impacted by Hurricane Matthew including St. Johns County for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 United States Code (U.S.C) 5301 et seq.) and described in the State of Florida CDBG-DR Action Plan. DEO has provided \$45,837,520 in CDBG-DR funding to St. Johns County to implement programs in support of the County's recovery from Hurricane Matthew. Allocations, waivers, and alternative requirements applicable to this funding are published in the Federal Register on August 7, 2017 at 82 FR 38812; January 18, 2017 at 82 FR 5591; and November 21, 2016 at 81 FR 83254.

The County entered into a subrecipient agreement with DEO to administer the following recovery programs including:

- Housing Recovery Program
 - Homeowner Repair
 - Interim Mortgage Assistance Program
 - Homeowner Reconstruction
 - Homeowner Elevation
 - Homeowner Manufactured Housing Unit (MHU) Replacement
 - Homeowner Voluntary Buyout and Acquisition
- LMI Housing Development
- Infrastructure Program

This document describes policies and procedures for the Environmental Review process for the Homeowner Repair, Elevation, and Reconstruction Program, the Interim Mortgage Assistance Program and the Voluntary Buyout and Acquisition Program. Information on the Environmental Review process for the Infrastructure Program, Public Facilities Program, and Permanent Supportive Housing Program are stored in the Disaster Recovery CDBG-DR offices.

Of the \$45,837,520 allocated to St. Johns County, \$21,620,073 has been set aside for two programs: Homeowner Repair, Elevation, and Reconstruction Program; and Voluntary Buyout and Acquisition Program. Budget allocations to each program will be determined based on demand. St. Johns can increase or decrease funding for this program based on program demand and in coordination with and approval by DEO.

VERSION HISTORY

St. Johns County CDBG-DR General Policies and Procedures

Version	Date	Page	Description
#1	01/21/2019	N/A	N/A
#2	09/26/2019	N/A	N/A
#3			

VERSION POLICY

Version history is tracked in the table above, with notes regarding version changes. The date of each publication is also tracked in this table. The first version of this document is 1.0.

Substantive changes within this document that reflect a policy change will result in the issuance of a new version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and issuance of a new primary version number.

Non-substantive changes within this document that do not affect the interpretation or applicability of the policy (such as minor editing or clarification of existing policy) will be included in minor version updates denoted by a sequential number increase after the primary version number. Such changes would result in a version number such as 2.1, 2.2, etc.

POLICY CHANGE CONTROL

Policy review and changes for the St. Johns County Environmental Review process are considered through a change control process. When policy clarifications, additions, or deletions are needed to more precisely define the rules by which the program will operate, program staff will discuss potential changes with Program and Policy Review Committee (“Review Committee”) for their review and consideration. Their consideration will include a determination as to whether the action is a policy or process issue. Actions identified as policy issues will require review and determination by the Review Committee. The issue will be discussed by the committee members at an internal committee meeting.

The Review Committee will take a decision to approve the change, deny the change, or defer action on the request. If the change is approved, the Review Committee will communicate its decision to the Program Manager. The Program Manager disseminates the new policy in a communication via email to all program staff and instructs the Compliance Specialist to reflect the change in the next revision to written policies and procedures. If the Review Committee decides to deny a change, no further action is taken. If a change is deferred, the Review Committee will request additional supporting information as necessary and place the item on the agenda for consideration at the next meeting.

The Review Committee meets bi-weekly, as needed, to consider all pending requests but may meet as frequently as necessary to consider critical policy decisions. The Review Committee will consist of the Housing Program Supervisor, CDBG-DR Grant Administrator (who will be the Vice Chair), and the CDBG-DR Project Specialist. The Review Committee will provide recommendations to the Chair (Disaster Recovery Director) for final approval. The Review Committee has authority to review and approve policy changes, render decisions on individual case appeals, and review waiver requests to the existing program cap to be submitted to DEO for review and consideration.

ENVIRONMENTAL REVIEW OVERVIEW

Purpose of an Environmental Review

An Environmental Review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards; and analyzes the effect the proposed project will have on the people and the natural environmental components within the project area. The Environmental Review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Not every project is subject to a full Environmental Review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be in compliance with the National Environmental Policy Act (NEPA), and other related Federal and State environmental laws. Units of local government who are recipients of CDBG funds must complete an Environmental Review of all project activities prior to obligating CDBG funds.

Statutory and Regulatory Context

The rules and regulations that govern the Environmental Review process can be found under 24 CFR Part 58, Subparts A-H. The provisions of the NEPA and the Council on Environmental Quality (CEQ) regulations in 40 CFR Parts 1500 through 1508, and other State and Federal laws and regulations (some of which are enforced by State agencies) may also apply depending upon the type of project and the level of review required. These laws and authorities are referenced in the HUD and NEPA regulations. The following website provides additional information and assistance: <https://www.hudexchange.info/programs/environmental-review/>.

Under Part 58, the Environmental Review can be completed by the Responsible Entity's (i.e., unit of general local government or the State) staff, program partners, or a hired consultant. However, the Responsible Entity (RE) is ultimately responsible for the content of the Environmental Review Record (ERR) and must make an independent evaluation of the environmental issues, take responsibility for the scope and content of the compliance findings, and make the final environmental decision concerning project approval. St. Johns County is the RE for the CDBG-DR funded activities, and will be submitting to DEO ERR documents for their review and approval throughout the grant period.

The RE is also responsible for ensuring any mitigation measures or conditions for

approval are implemented, as well as for maintaining the ERR (24 CFR 58.4, 58.10 and 58.38).

In order to carry out its environmental responsibilities, the RE should designate two responsible parties:

1. **Certifying Officer.** Acts as the “responsible Federal official” to ensure compliance with the NEPA and the Federal laws and authorities cited at Section 58.5 has been achieved. This person is the chief elected official, chief executive official, or other official designated by formal resolution of the governing body. The certifying officer must have the authority to assume legal responsibility for certifying that all environmental requirements have been followed. This function may not be assumed by administering agencies or consultants.
2. **Environmental Officer.** The funding recipient should designate an Environmental Officer. This person is the grant administrator or the consulting engineer. The Environmental Officer will be responsible for writing project narrative, obtaining maps of the project area, soliciting comments from appropriate local, state and Federal agencies, and facilitating responses to comments received on the environmental findings. However, the recipient is responsible for ensuring compliance with NEPA and the Federal laws and authorities has been achieved, for issuing the public notification, for submitting the Request for Release of Funds, when required, and for ensuring the ERR is complete.

Timing of Environmental Review

Once a potential recipient has submitted an application or a project has been approved for CDBG-DR funds from the County, Part 58 requirements are applicable to the project. At this point the recipient (and any other project participants) must cease all project activity until the Environmental Review (ER) has been completed. Part 58 prohibits further project activities and actions from being undertaken prior to completion of the review and the determination of environmental clearance. For more information, visit the HUD, which also gives guidance for grantees on when to use conditional and option contracts for the purchase of real property under 24 CFR 58.

Where a recipient (or other project participant) has begun a project in good faith as a private project, the County is not precluded from considering a later application for Federal assistance for the project, but the third party must cease further actions on the project until the Environmental Review process is completed. Recipients may proceed with the project upon receiving approval from the County, after the Environmental Review process has been completed for the project. However, there are certain kinds of activities that may be undertaken without risking a violation of requirements of Part 58. For example, the act of either hiring a consultant to prepare a Phase I Environmental Site Assessment (an investigative study for environmental hazards), or hiring a consultant to complete an engineering design study or plan, or a study of soil and geological conditions. Activities that have physical impacts or which limit the choice of alternatives cannot be undertaken, even with the project participant’s own funds, prior to obtaining environmental clearance to use CDBG funds. If prohibited activities are undertaken prior to receiving approval from the County, the applicant is at risk for the denial of CDBG assistance. The

reason is these actions interfere with the State's and the County's ability to comply with NEPA and Part 58. If prohibited actions are taken prior to environmental clearance, then environmental impacts may have occurred in violation of the Federal laws and authorities and the standard review procedures that ensure compliance.

Environmental Review Record

The RE must prepare and maintain a written record of the Environmental Review undertaken for each project, including exempt activities such as administrative costs. This written record or file is called the ERR and must be available for public review.

The ERR must contain at least the following information:

- Description of the entire project and each of the activities comprising the project, regardless of individual activity funding source. To the extent feasible, grantees are encouraged to conduct Environmental Reviews for improvements to target areas and neighborhoods rather than limiting the Environmental Assessment to just the activity being proposed or to the streets being addressed within a neighborhood. The review should include all potential activities and phases of investment planned in the future.
- The ERR must also contain written determinations and other review findings (e.g., exempt and categorically excluded determinations, Findings of No Significant Impact).
- The ERR shall also contain documentation that verifies compliance with NEPA and the Federal laws and authorities cited in compliance checklists (Tier 2s), Environmental Assessments, and Environmental Impact Statements.
- Public Notices, when applicable.
- Public comments received and responses.

Public comments, concerns and appropriate resolution by the recipient must be completed prior to requesting release of funds from the State, and must be fully documented in the ERR.

The following website provides access to a comprehensive list of relevant laws and authorities, HUD guidance, required checklists, and other tools to assist in completing Environmental Reviews: <https://www.hudexchange.info/programs/environmental-review/>.

ENVIRONMENTAL REVIEW PROCESS

Projects must comply with all applicable federal, state, and local requirements.

Determining the Level of Environmental Review

To begin the Environmental Review process, the RE must first determine the environmental classification of each activity of the project. The term "project" can be defined as an activity or group of activities geographically, functionally, or integrally related, regardless of funding source, to be undertaken by the CDBG-DR recipient,

subrecipient, or a public or private entity. For more information, visit the HUD Exchange Environmental Review page. If the various activities have different classifications, the recipient must follow the review steps required for the most stringent classification.

Types of Environmental Review

This chapter will focus upon the four environmental classifications that are recognized under the CDBG program:

- Exempt Activities - 24 CFR Part 58.34:
<https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>,
- Categorically Excluded Activities - 24 CFR Part 58.35:
<https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/>,
- Activities Requiring an Environment Assessment (EA) - 24 CFR Part 58.36:
<https://www.hudexchange.info/programs/environmental-review/environmental-assessments/>, or
- Activities Requiring an Environmental Impact Statement (EIS) - 24 CFR Part 58.37:
<https://www.hudexchange.info/programs/environmental-review/environmental-impact-statements/>.

Appendix A below highlights activities that will be undertaken with CDBG-DR funds and the level of Environmental Review required for each, according to 24 CFR Part 58. This is also available on HUD Exchange:

<https://www.hudexchange.info/resource/785/summary-table-of-levels-of-environmental-review-and-documentation-required-in-err/>

Exempt Activities

Types of typical exempt activities are included in Exhibit 1. In the immediate aftermath of a disaster event, state and local governments can fund many activities without the need for an Environmental Review. These activities include:

- 1) Environmental and other studies and plans
- 2) Engineering and design costs
- 3) Inspections and testing for hazards
- 4) Supportive services for health care, housing, housing placement, day care, and short-term rent payment
- 5) Public services related to crime prevention and health
- 6) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety. An environmental impact statement, including a tiered analysis, is an exempt activity. A complete

list of exempt activities is listed in 24 CFR part 58.34(a) and the required HUD format for exempt activities may be found on the HUD exchange:

<https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>.

Categorical Exclusions Not Subject to § 58.5

Categorical Exclusions Not Subject to (CENST) § 58.5 refers to a category of actions that are categorically excluded, not subject to the Federal laws and authorities referenced at 24 CFR 58.5. These activities are listed at 24 CFR 58.35(b) and at 24 CFR 50.19(b), and include tenant-based rental assistance; affordable housing pre-development costs including legal, consulting, developer and other related costs; environmental studies; engineering or design costs; and other activities not listed here. The required HUD format for CENST activities may be found on the HUD Exchange:

<https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>.

Categorical Exclusions Subject to § 58.5

Categorical Exclusions Subject to (CEST) § 58.5 refers to a category of actions that do not individually or cumulatively have potential for a significant effect on the environment (40 CFR 1508.4). Therefore, neither an Environmental Assessment nor Environmental Impact Statement is required. Although these actions are categorically excluded under NEPA, a determination must still be made as to whether they would alter any environmental conditions that would require a review or compliance determination under the Federal laws and authorities cited in § 58.5. The laws and authorities cited in § 58.5 are independent of NEPA and include the National Historic Preservation Act of 1966, the Executive Orders on Floodplain Management and Wetlands Protection, and several HUD-specific regulations concerning the health and safety of project occupants, to name a few. The REs must certify that it has complied with the requirements under these laws and consider the criteria, standards, policies and regulations of these laws and authorities using the HUD required format:

<https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/>.

Environmental Assessment

Those projects that are neither exempt nor are categorically excluded require an Environmental Assessment. Part 58 identifies those projects requiring completion of an Environmental Assessment under § 58.36. In addition to compliance with NEPA, the RE must also establish compliance with other provisions of law that further the purposes of NEPA, as specified in § 58.5.

Environmental Impact Statement

If there are potentially significant impacts from a project or activity, an Environmental Impact Statement is required. An Environmental Impact Statement is a detailed written statement (Section 102(2)(C) of NEP A and 40 CFR Part 1502) describing, analyzing,

and assessing any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration, and the alternatives to such action or group of actions. The statement should include qualitative measure of importance of the environmental impacts. Florida DEO, as well as HUD, should be consulted as soon as possible if an Environmental Impact Statement is deemed necessary.

Tiering Environmental Reviews

Tiering, as defined in 24 CFR 58.15, is a means of making the Environmental Review process more efficient by allowing parties to “eliminate repetitive discussions of the same issues at subsequent levels of review.” Tiering is appropriate for projects where it is not possible, because of the nature of the activities to be carried out, to identify on the front-end the exact geographic location of the project's activities until they are underway. In these situations, a tiered Environmental Review may be prepared. The concept of tiering or conducting Environmental Reviews of unspecified sites allows for broad reviews of environmental impacts at an early stage and a review of site-specific impacts when the site is identified. (More information on tiering is found on HUD Exchange: <https://www.hudexchange.info/programs/environmental-review/tiered-environmental-reviews/>). Conceptually, the review procedure can be structured in three basic steps, outlined below.

- Step 1: Prepare a broad-level review, area-wide (Tier 1) Environmental Assessment or Environmental Review for CEST if the activities are categorically excluded subject to Sec. 58.5 which clearly establishes:
 - The purpose of the project/activity(ies) and the geographic area where the unspecified sites will be located.
 - Conclusions about environmental impacts and compliance with applicable laws and authorities which will not change no matter where the project is located within the geographic area that is the focus of the area-wide review. Examples include floodplains, wetlands, endangered species, and impact categories that are not applicable or relevant. There must be justification of all such conclusions.
 - Where conclusions cannot be reached until a specific site becomes known, devise written strategies and criteria for selecting specific sites/activities and making certain the applicable laws and authorities are addressed or mitigated when the specific site is identified. Include justification and/or evidence demonstrating why some factors need not be further evaluated when the specific site is identified. This process includes the development of what is generally referred to as a Tier 2 checklist that contains any and all laws/authorities that must be determined once specific sites are identified and for which compliance must be determined on a site-by-site basis.
- Step 2: Publish appropriate notices and Request for Release of Funds. More information and HUD Form 7015.15 (Request for Release of Funds and Certification) is available on HUD Exchange:

<https://www.hudexchange.info/resource/2338/hud-form-701515-request-release-funds-certification/>.

- Step 3: Complete a Site-Specific Review (Tier 2) Checklist once specific project sites become known, prior to committing or expending funds, and include the completed form in the ERR.

Together, the broad-level review and all site-specific reviews will collectively comprise a complete Environmental Review addressing all required elements. Funds cannot be spent or committed on a specific site or activity until both the broad-level review and the site-specific review have been completed for the site.

In a tiered Environmental Review, the RE must publish a Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) following the completion of the Tier 1 review. The County is not required to republish these notices or submit additional Request for Release of Funds (RROF) documentation following the site-specific Tier 2 reviews. Tier 2 documentation remains in the ERR.

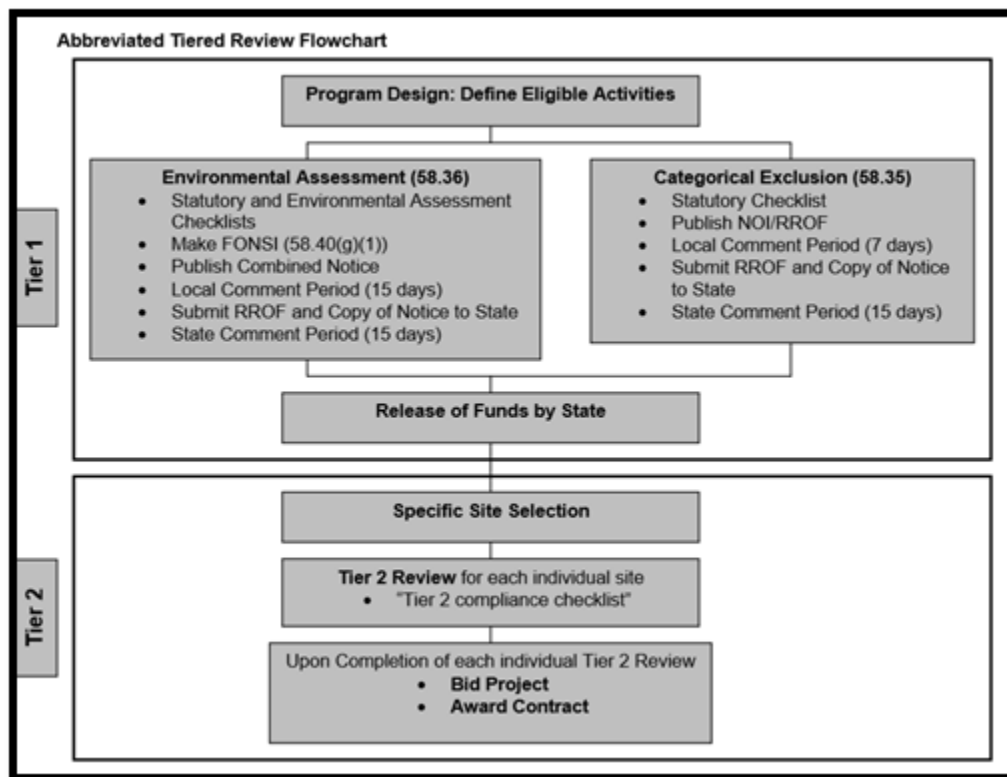


Figure 1. Abbreviated Tiered Review Flowchart

HOMEOWNER REPAIR, ELEVATION, AND RECONSTRUCTION PROGRAM ENVIRONMENTAL REVIEW PROCESS

Roles and Overall Guidance

Roles

St. Johns County and its contractors have different roles and support multiple parts of the Environmental Review process. This section identifies the key terms used to identify the roles and staff fulfilling those roles.

Staff Member	ER Responsibilities
Program Manager	General oversight the Housing Recovery program.
Policy Analyst/Planner	Provide applicant to Environmental Review contractor for Tier 2 upon application completion. Will receive Tier 2 documents for filing and pass to Site Inspector and Subject Matter Expert. Act as point of contact for applicants. Other staff members may be assigned these responsibilities per the Program Manager and Policy Analyst/Planner.
Case Managers	Provide applicant to Policy Analyst/Planner. May assist Policy Analyst/Planner in their responsibilities.
Environmental Officer (ER Contractor)	Conducts Tier 1 and Tier 2 Site-Specific Reviews according to Federal regulations. Prepare all Environmental Review material.
Site Inspector	Incorporate any necessary construction activity or contingencies required per the findings of the Tier 2 Environmental Review into the work write-up and cost estimate
Construction Manager	Ensures that any requirements of the Tier 2 Environmental Review are being adhered to.
Subject Matter Expert (Contractor)	Provide quality review of Tier 1 and Tier 2 Environmental Review material. Coordinate with SJC CDBG-DR staff and ER Contractor conducting Tier 2 reviews.
County Administrator or Designee	Signs any necessary Environmental Review documents requiring a County representative or certifying officer.

St. Johns County will be the official point of contact for questions or issues that arise from FL DEO, construction contractors, applicants, or the public in general.

System of Record

The County will maintain an organized Environmental Review with both the broad-level and site-specific tiered reviews (the Tier 1 review and each Tier 2 checklist). The County will maintain one consolidated ERR that includes all Tier 1 and Tier 2 documentation. This document will be made available for review upon request. In addition, Tier 2 documentation will be maintained in each case file for that associated project for ease of review.

Tier 1 Process

The Tier 1 Environmental Review process will be conducted by the County's environmental contractor. They will review the project description and conduct outreach to any and all necessary state, local, tribal, and/or federal agencies for required under the appropriate environmental classification. If, for some reason, there is a response to the initial Tier 1 outreach which requires activities be undertaken which may change the environmental classification of the program, the necessary regulatory steps will be taken to ensure conformity with the new environmental classification.

Tier 2 Process

Preliminary Steps

A Tier 1 Environmental Review will be conducted by the County's Environmental Review Team (consultant). This will include a determination as to the environmental classification of the program, communication with necessary state, local, tribal, and/or federal agencies and assembly of the necessary documents and responses into the DEO recommended format. This will also include the publication of the RROF and confirmation it was received by FL DEO (or HUD). The Tier 2 site-specific analysis will be performed as each address is identified using the outlined strategy and checklist developed during the Tier 1 process. The County will utilize the same contractor that conducted the Tier 1, to complete the Tier 2 checklists. The County will utilize its CDBG-DR consultant to review the checklists and pursue resolution to any issues raised in terms of compliance with laws/authorities on the Tier 2 checklists. Appendix B includes the Tier 1 review with a checklist (pages 6-15) and supporting documentation (pages 22-96), including maps.

The Tier 1 review will indicate what topics are in compliance due to the nature of the project and do not require additional actions. Those items which are identified as needing additional actions will be addressed in the Tier 2 review for each site.

Application Intake

The intake team will meet daily to identify the list of applications which are eligible for submission for the Tier 2 review. The Policy Analyst/Planner will then review the list, edit as needed, and provide the list including the applicant's name, address of the property to be reviewed and a copy of the Right of Entry form for each applicant to the Environmental Review Team. The Policy Analyst/Planner will record in the project tracking system when

this information was sent to the Environmental Review Team.

Review Daily Inflow of Applications

The Policy Analyst/Planner will verify all information provided in the application before sending it to the Environmental Review Team. The application must meet eligibility criteria after all materials have been collected. All inspections including damage assessment, lead inspection, asbestos inspection, and the Tier 2 environmental site review will be coordinated after eligibility verification.

Review for Accuracy and Completeness

The Policy Analyst/Planner reviews each application for completeness by taking the following steps:

- **Check Documentation for Completeness.** The Policy Analyst/Planner ensures that all of the documentation the inspectors will need to complete the Environmental Review was provided with the application. Any missing or incomplete material will be noted and must be obtained or the issue resolved before it is passed along to inspectors.
- **Check for Consistency.** The Policy Analyst/Planner opens each document in the folder and reviews to ensure that the homeowner's name and address, and the application number are consistent throughout. This ensures that all documents are for the correct application.
- **Check Right of Entry Form.** The Policy Analyst/Planner reviews the Right of Entry (ROE) form to see if the information on the form matches the information in application material. If the ROE is missing or the signature at the end of the ROE is missing, the Policy Analyst/Planner makes a note of the discrepancy on the project tracking system and follows up with the applicant to secure the necessary document.

Site-specific Field Visit Reviews

Damage Assessment of each site is conducted by the Site Inspector prior to the Environmental Review. Data collected will be used to recommend a preliminary feasibility determination if the proposed project will follow a rehabilitation, rehab/elevation, reconstruction, reconstruct/elevation or MHU replacement process.

Once the Environmental Review Team receives the necessary property information a Field Inspector visits each site to conduct an environmental field visit and survey items on the Tier 2 checklist form, as well as taking photographs to support their findings. The Tier 2 checklist evaluates the issues that remain after the Tier 1 review based on the policies established in that broad-level review. The checklist is found in Appendix E.

The Policy Analyst/Planner notifies the SJC CDBG-DR staff, to coordinate with the Environmental Review Team staff, when applications have been verified and cleared for site visits. Once site visit reviews are completed, the complete Tier 2 documents are shared with the Policy Analyst/Planner. If there are any issues that need further coordination or action to be compliant with NEPA (e.g. a historic preservation consultation), the ERR Reviewer will notify the Policy Analyst/Planner. The Environmental

Review Team's Environmental Review management personnel will send a summary of the issue to the Policy Analyst/Planner to report back to the Case Manager, who will then inform the homeowner of the pause in the Environmental Review process until the issue is resolved.

Based on the initial Tier 1 findings, the following topics require analysis at the Tier 2 level.

Historic Preservation

The National Historic Preservation Act of 1966, as amended, particularly Section 106 and Section 100, mandate that agencies with jurisdiction over Federal assisted, licensed or approved activities afford the Advisory Council on Historic Preservation and the State Historic Preservation Officer's reasonable opportunity to comment on the project's impact to historic properties. All projects that have the potential to affect a historic property will be submitted to the State Historic Preservation Office for comment.

The Environmental Review Team has qualified professionals to determine potential archeological and architectural effects. Above-ground and any land disturbing activities will be reviewed, evaluated by an architectural historian and/or an archaeologist depending on the project activities. If any additional steps need to be taken during the construction phase, they are specified in the Tier 2 ERR.

Floodplain Management / Flood Disaster Protection

In response to Executive Order 11988, Floodplain Management as interpreted in HUD regulations at 24 CFR Part 55, and the Flood Disaster Act of 1973. Each site will be reviewed to determine if the site is in the 100-year flood plain. For activities not excluded at 24 CFR Part 55.12 the "Eight Step Decision" making process will be conducted to determine if there is an alternative to funding the project in the flood plain. If there is no alternative to funding the site in the floodplain mitigating measures will be developed to minimize the effect. All actions located in the flood plain require Flood Insurance as a condition to funding.

The Environmental Review Team has qualified professionals to determine potential floodplain effects. The entire application parcel boundary will be evaluated based upon the most current FEMA data using the FEMA online Flood Map Service Center (<http://msc.fema.gov/portal/home>) or equivalent GIS dataset. St. Johns County has recently updated the County maps and are also available on the County GIS portal at <http://www.sjcfcl.us/GIS/DataDepot.aspx>. If any additional steps need to be taken during the construction phase, they are specified in the Tier 2 ERR.

Wetland Protection

Executive Order (EO) 11990 was issued "to avoid to the extent possible the long - and short - term adverse impacts associated with wetlands as defined at Section 6(e) and to avoid direct or indirect support of new construction (draining, dredging, channelizing, filling, diking, impounding, and related activities or placement of any buildings or facilities) in wetlands wherever there is a practicable alternative." In addition to compliance with EO 11990, Proposed Action Sites located within wetlands may also be subject to permitting under Section 404 of the Clean Water Act.

The Field Team has qualified professionals to determine potential wetland effects. First, the Environmental Review Team will identify if any wetlands, as defined by the U.S. Army Corps of Engineers guidelines, are located on the applicant property or near the proposed

work location. If wetlands appear to be present, the site will be surveyed by a trained wetlands biologist to observe and photo-document the lands surrounding the site to ascertain if wetland soils, vegetation, or hydrologic indicators are present. If there is no evidence that the project site will impact any jurisdictional water or wetland, the review will be complete. The findings will be noted and submitted within the Tier 2 ERR.

Noise

A noise analysis is not required for reconstruction and rehabilitation disaster recovery projects per 24 CFR 51.101(a) (3). Compliance determined in Tier 1 Environmental Assessment for one-to-four unit structures.

Explosive & Flammable Operations

Acceptable separation distance analysis requirements do not apply for disaster recovery projects that reconstruct or rehabilitate housing per 24 CFR 51.201. Compliance determined in Tier 1 Environmental Assessment for one-to-four unit structures.

Hazardous, Toxic, and Radioactive Materials

For new construction projects or projects that increase the number of persons exposed to hazards, the hazard study will be conducted as required at 24 CFR Part 51. Each site will be observed for evidence to contamination to soil or water. Information about prior uses of the site will also be considered as required at 24 CFR Part 58.5(1).

The Environmental Review Team has qualified professionals to determine potential effects from hazardous, toxic, and radioactive materials. Evaluation of proposed action will be completed using the NEPAAssist website from U.S. Environmental Protection Agency (EPA) and State databases. The site identifies National Priority Listed (NPL) sites, hazardous waste sites (RCRA), toxic release inventory (TRI), and Toxic Substance Control Act (TSCA) sites. The proximity to each of these sites to proposed action will be identified and documented.

Airport Clear Zones

Under 24 CFR 51 Subpart D, HUD policies prevent building homes in areas where airplane crashes are most frequent or most likely to occur. On January 6, 1984, HUD published 24 CFR 51 Subpart D entitled, "Siting of HUD-Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields" which provided guidance on the issue.

All proposed actions will be evaluated using existing aerial photography to determine their proximity to any civil airport runways.

Endangered Species

The proposed actions involve restoration, elevation, replacement, and reconstruction of existing structures on existing disturbed lands. Therefore, there is no potential for impacting critical habitat; however, there is the potential for threatened and endangered species to inhabit the structures and or the adjacent property surrounding the proposed actions. The Environmental Review Team has qualified professionals to determine potential effects to endangered species. The U.S. Fish and Wildlife's iPac site will be used to make determinations.

Quality Review and Quality Assurance Process

This section describes the process for making ERR review assignments and the process for completing initial quality assurance reviews and quality management reviews. It covers the process from the point at which a Field Team submits a completed Environmental Review to the point the Quality Reviewer signs off on the ERR and confirms its accuracy. There is a two-step quality review process, with an initial reviewer and a secondary review conducted by a “Quality Reviewer” to ensure consistency and accuracy across reviewers.

Once the Tier 2 documents are sent to the County the Subject Matter Expert (consultant) or their designee will review the document. If there are any questions or concerns they will be addressed before the Tier 2 is considered finalized and the application approved for further activity. The Policy Analyst/Planner will record receipt, upload to SharePoint, of the ERR from the Environmental Review Officer (consultant) . Data recorded includes:

- Date Field Team Submitted ERR for Review
- ERR Review Assigned Date
- ERR Reviewer Assigned To
- Quality Reviewer (QR) Assigned

The Policy Analyst/Planner will then notify the Subject Matter Expert on the completion of the ERR for quality assurance (QA) review.

Record Management

Maintaining an organized Environmental Review Record is especially important with regard to tiered reviews, as tiered Environmental Review Records are not complete without both the broad-level and site-specific tiered reviews. All site-specific reviews must identify the corresponding broad-level review and should be filed together (Tier 1 and Tier 2). Failure to maintain documentation of both a broad-level and a site-specific review for each project is a major cause of HUD non-compliance findings that often results in penalties and sanctions, including the repayment of funds.

Document the ERR as follows:

- Include a copy of the area-wide review and strategies, with documentation supporting the environmental findings.
- Place a record of each project action (i.e., site-specific) in the ERR.
- Place evidence in the ERR documenting that the adopted strategy has been applied for each action.
- Document the projects are in compliance with the other Federal requirements listed at Sec. 58.6.
- Place a finding in the ERR which states that implementation of the action will not affect the environmental findings.
- Any activities or sites falling outside the acceptability criteria specified in both the area-wide and site-specific review components must have separate Environmental

Reviews prepared.

- Subsequent site-specific reviews will require notices or approval from the State, regardless of whether the certifying officer determines there are unanticipated impacts or impacts not adequately addressed in the prior tiered review. There must be written documentation of compliance before funds are committed to specific sites.
- HUD generally considers the ERR valid for five years.

INFRASTRUCTURE PROGRAM REVIEW PROCESS

Infrastructure projects typically require an Environmental Assessment for each project. The process will be the same for each infrastructure project.

Reviewer Selection

Each infrastructure project will be assigned to a previously procured vendor conducting the Environmental Review in the order which they were selected and prioritized. Vendors were notified on their standing upon procurement approval and selection. ERs will be assigned to each vendor based on their predetermined ranking upon procurement. The program engineer will send the project along with the project description and location to each vendor for Environmental Review completion.

Review Process

Vendors will evaluate each project to determine the level of review (exempt, categorical exclusion, Environmental Assessment, or Environmental Impact Statement). Vendors will conduct the Environmental Review based on the level of review determination. Site visits will be conducted by the vendors to obtain any information necessary for review and to collect photographs of the site. Projects are anticipated to meet one of two levels of review, categorical exclusion subject to review or an assessment. Once the level of review is determined the vendors will begin the Environmental Review process and will contact any necessary agencies as required under the level of review. Projects necessitating a categorical exclusion will need to address all of the factors identified on HUD's Statutory Checklist as part of the review. Projects identified as necessitating an Environmental Assessment will be required to address all of the factors identified on HUD's Environmental Assessment Checklist. Environmental reviews must be completed in the HUD recommended format using HUD provided sample documents or documents of similar or equivalent format and content. All factors must be adequately addressed as identified in 24 CFR Part 58.

The completed ERs will be sent by the vendors, in their entirety in both digital and hard copy format, to the County project engineer or designee. The County project engineer or designee will review the Environmental Review and contact the vendor with any initial concerns. A completed and submitted Environmental Review will also be forwarded to the County's Subject Matter Expert by the County project engineer or designee for review. The Subject Matter Expert will contact the County project engineer or designee upon conclusion of their review to discuss any issues or concerns requiring additional information or follow-up with the vendor. Once the Environmental Review is determined to be complete any documents requiring signature by the County Authorized Official will

be signed.

Categorically excluded projects will require the publication of a Notice of Intent/Request for Release of Funds (NOI/RROF) and will be subject to the 7 day public comment period. Assessed projects will require the publication of the Notice of Intent/RROF and Notice of Finding of No Significant Impact (FONSI) and will be subject to the 15 day public comment period. After the public comment period has elapsed the County project engineer or designee will send the required RROF form and proof of publication to DEO. The County will await authorization to use grant funds from DEO. Once the authorization is provided the Environmental Review is complete and will be compiled into a single, comprehensive Environmental Review document. The County will attempt to coordinate publication of notices and submittal of RROF for the infrastructure projects to the greatest extent possible.

Information on categorical exclusions for infrastructure projects subject to the Federal laws and authorities referenced at 24 CFR 58.5 is found on HUD Exchange:

<https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/>

Information on Environmental Assessments for Infrastructure is found on HUD Exchange:

<https://www.hudexchange.info/programs/environmental-review/environmental-assessments/>.

MULTI-FAMILY PROGRAM (207 SITE) REVIEW PROCESS

The County has acquired a vendor to conduct the necessary Environmental Review for the 207 Site. The vendor will evaluate the project to determine the level of review (exempt, categorical exclusion, Environmental Assessment, or Environmental Impact Statement). The vendor will conduct the Environmental Review based on the level of review determination. A site visit will be conducted by the vendor to obtain any information necessary for review and to collect photographs of the site. The projects is anticipated to require an Environmental Assessment based on the scope of work. Once the level of review is confirmed (assessment) the vendor will begin the Environmental Review process and will contact any necessary agencies as required under the level of review. The project will be required to address all of the factors identified on HUD's Environmental Assessment Checklist. The Environmental Review must be completed in the HUD recommended format using HUD provided sample documents or documents of similar or equivalent format and content. All factors must be adequately addressed as identified in 24 CFR Part 58.

The completed Environmental Review will be sent by the vendor, in its entirety in both digital and hard copy format, to the County project manager or designee. The County project manager or designee will review the Environmental Review and contact the vendor with any initial concerns. A completed and submitted Environmental Review will also be forwarded to the County's Subject Matter Expert by the County project engineer or designee for review. The Subject Matter Expert will contact the County project manager or designee upon conclusion of their review to discuss any issues or concerns requiring additional information or follow-up with the vendor. Once the Environmental Review is determined to be complete any documents requiring signature by the County Authorized

Official will be signed.

The project will require the publication of the Notice of Intent/RROF and Notice of Finding of No Significant Impact (FONSI) and will be subject to the 15 day public comment period. After the public comment period has elapsed the County project manager or designee will send the required RROF form and proof of publication to FL DEO. The County will await authorization to use grant funds from DEO. Once the authorization is provided the Environmental Review is complete and will be compiled into a single, comprehensive Environmental Review document.

Information on Environmental Assessments is found on HUD Exchange:

<https://www.hudexchange.info/programs/environmental-review/environmental-assessments/>.

DEFINITIONS

Applicant – Any individual who submits an application for assistance to the St. John County Housing Assistance Program.

Community Development Block Grant Program (CDBG)

Community Development Block Grant-Disaster Recovery (CDBG-DR)

Council on Environmental Quality (CEQ) – An organization created by NEPA that is responsible for overseeing NEPA implementation.

Damage Assessment – A process utilized to verify that damage at a property can reasonably be attributed to Hurricane Matthew and the quantification of damage that results in the dollar value and scope of repairs necessary to repair a structure.

Environmental Assessment – Environmental Review prepared under the National Environmental Policy Act to determine whether a project requires an Environmental Impact Statement or a Finding of No Significant Impact (FONSI).

Environmental Review Record (ERR) – A written record of the Environmental Review undertaken for each project, including exempt activities such as administrative costs and tenant-based rental assistance.

Finding of No Significant Impact (FONSI) – A statement issued when environmental analysis and interagency review during the Environmental Assessment process find a project to have no significant impacts on the quality of the environment.

United States Department of Housing and Urban Development (HUD)

National Environmental Policy Act (NEPA) – Signed into law in January 1970, NEPA requires analysis, documentation of environmental impacts, and agency and public involvement and applies to all Federal agencies and their actions. Actions have a wide definition and this can include regulations, policies, projects, licensing, and permitting.

Notice of Intent to Request for Release of Funds (NOI/RROF) – 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.

Phase I Environmental Site Assessment – An investigative study for environmental hazards, and is considered the first step in environmental due diligence.

Responsible Entity (RE) – A chosen unit of general local government or the State who received CDBG-DR funds, who is ultimately responsible for the Environmental Review; a RE must make an independent evaluation of the environmental issues, take

responsibility for the scope and content of the compliance findings, and make the final environmental decision concerning project approval.

Tiered Environmental Reviews – A means of making the Environmental Review process more efficient by allowing parties to “eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of Environmental Review” (40 CFR 1502.20). By allowing for broad reviews of environmental impacts at an early stage and a review of site-specific impacts later, when the site is identified.

APPENDICES

Appendix A: Environmental Review Process Flowchart

Appendix A

Environmental Review Process (To Be Conducted by Responsible Entity)

