

Please note that this addendum only provides information, waivers, and alternative requirements to the CDBG program. It does not fully replace the [CDBG Grant Administration Manual \(GAM\) Chapter 5](#). The following items from the CDBG GAM are applicable to CDBG-DR:

1. Introduction
2. Background and Responsibilities
3. Actions Triggering Environmental Review and Limitations Pending Clearance
4. Classifying the Activity and Conducting the Appropriate Level of Review
5. Publication of Public Notices
6. Floodplain/Wetland Compliance Requirements and Stormwater Management Act
7. Lead, Asbestos, and Radon

Chapter 5: Environmental Review ~ CDBG-DR Addendum

The CDBG-DR Addendum should be used in conjunction with the CDBG GAM and CDBG-DR Program Guidelines.

For the environmental process, MEDC will assume authority of all tasks completed by MSF with CDBG funds.

ADOPTION OF ANOTHER AGENCY'S ENVIRONMENTAL REVIEW

Appropriations acts allow recipients of funds that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Stafford Act to adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency. Such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit. This provision allows the recipient of supplemental assistance to adopt another Federal agency's review where the HUD assistance supplements the Stafford Act, and the other Federal agency performed an environmental review for assistance under section 402, 403, 404, 406, 407, or 502 of the Stafford Act. The following additional requirements apply:

- The other agency's environmental review must cover all project activities funded by the HUD recipient for each project.
- The grantee is only required to supplement the other agency's environmental review to comply with HUD regulations (e.g., publication or posting requirements for Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), concurrent or combined notices, or HUD approval period for objections) if the activity is modified so the other agency's environmental review no longer covers the activity.
- The recipient's environmental review obligations are considered complete when adopting another agency's environmental review.
- The grantee must obtain a completed electronic or paper copy of the Federal agency's review and retain a copy in its environmental records.
- The grantee must notify MEDC on the Request for Release of Funds (RROF) Form 5G that another agency review is being used. The grantee must include the name of the other Federal agency, the name of the project, and the date of the project's review as prepared by the other Federal agency.

PROJECTS IN FLOODPLAINS AND WETLANDS (24 CFR PART 55)(Section 5 in GAM)

Executive Orders 11988 and 11990 - Floodplain and Wetlands Management requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. HUD's regulations in 24 CFR Part 55 outline HUD's procedures for complying with EO 11988. Part 55 applies to all HUD actions that could be harmed or cause harm if located in a floodplain, including but not limited to proposed acquisition, construction, demolition, improvement, disposition, and financing actions under any HUD program.

Regulatory Floodways

A Regulatory Floodway comprises the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This is the segment of the floodplain that will generally carry flow of flood waters during a flood and is typically the area of greatest risk to structures in the floodplain. HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity.

Elevation – Non-Federal Match for FEMA-Funded Projects

Alternative requirement for the elevation of structures when using CDBG–DR funds as the non-Federal match in a FEMA funded project. As long as the CDBG–DR grantee is following a FEMA-approved flood standard this waiver and alternative requirement will continue to apply.

- For new construction or substantial improvements to a structure the lowest floor of the structure must be at or above the level of the base flood and
- For Critical Actions, at or above the level of the 500-year flood.
- 44 CFR 9.11(d)(3)(iii) allows for an alternative to elevation to the 100- or 500-year flood level, subject to FEMA approval, which would provide for improvements that would ensure the substantial impermeability of the structure below flood level.

LEAD SAFE HOUSING RULES

- Lead Safe Housing rules apply to rehabilitation of any single family or rental property constructed prior to 1978. All relevant exhibits must be executed and included in the project file.

ASBESTOS CONTAINING MATERIALS (ACM)

- Rehabilitation and/or demolition of disaster damaged properties requires an assessment of asbestos containing materials as part of the environmental assessment.
- If ACMs are found, they must be removed by certified remediation contractors and disposed of in a landfill approved for ACM disposal. Documentation of compliance with both of these requirements must be included in the project file.