



CDBG-DR Environmental Review Policy

**NEW MEXICO HOME RECOVERY PROGRAM
DEPARTMENT OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT**

This policy is effective as of 3/20/2026 and may be updated periodically to reflect program implementation and evolving guidance from the U.S. Department of Housing and Urban Development (HUD).

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I. PURPOSE AND SCOPE

This policy applies to any federally funded project, including those funded in whole or in part by CDBG-DR, that may impact the environment, cultural resources, or public health. Activities include, but are not limited to, construction, rehabilitation, demolition, infrastructure improvements, and planning initiatives requiring environmental review under NEPA and the Department of Housing and Urban Development's Environmental Review regulations at 24 CFR Part 58.

II. BACKGROUND

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.

Given that New Mexico administers Community Development Block Grant – Disaster Recovery (CDBG-DR) funding through New Mexico Department of Homeland Security and Emergency Management (DHSEM), the State recognizes that the National Environmental Policy Act (NEPA) compliance is not only a federal requirement, but also a condition of CDBG-DR assistance. We will therefore uphold all applicable environmental regulations to maintain eligibility and integrity in program delivery.

III. POLICY STATEMENT

Every project and activity funded by CDBG-DR shall be assessed to identify the appropriate level of environmental review and such review shall be conducted. No project or activity may proceed until it has been documented as exempt or has completed the environmental review process and received an Authorization to Use Grant Funds (AUGF).

IV. DEFINITIONS

| Term | Definition |
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| Applicant | Any individual who applies for assistance to the DHSEM Home Recovery Program. |
| Community Development Block Grant for Disaster Recovery (CDBG-DR) | Supplemental HUD funding allocated by Congress after major disasters to support long-term recovery, including housing, infrastructure, and economic revitalization for unmet needs beyond other federal aid. |



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| Council on Environmental Quality (CEQ) | An organization created by the National Environmental Policy Act (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 the relevant disaster 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 NEPA 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. |
| 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; is considered the first step in environmental due diligence. |
| Project | 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. |
| 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 |



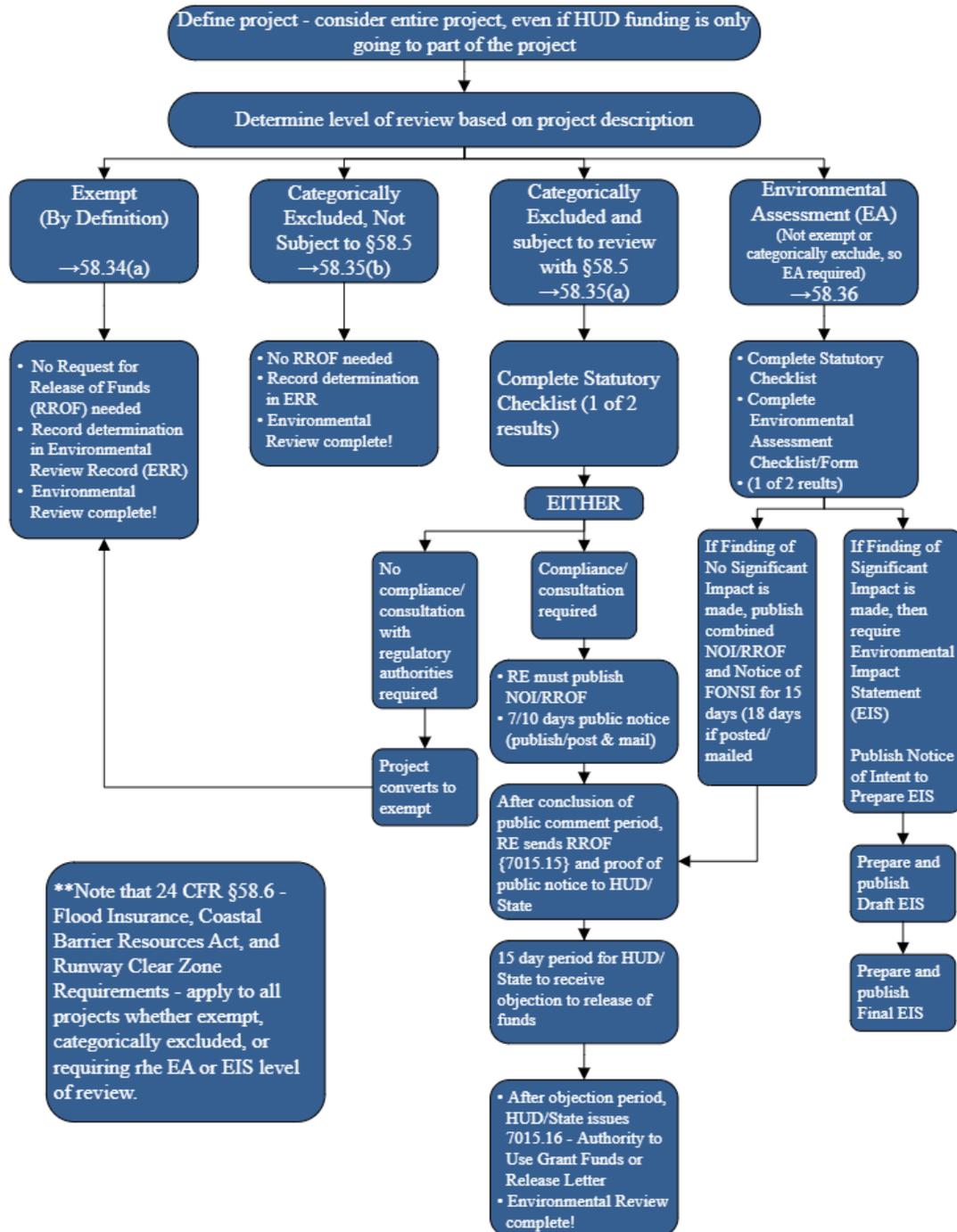
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| | each level of Environmental Review” (40 CFR 1502.20). It does this by allowing for broad reviews of environmental impacts at an early stage and a review of site-specific impacts later, when the site is identified. |
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V. PROCEDURES

Below is a general flowchart illustrating the Environmental Review process:



Environmental Review Process (To Be Conducted by the Responsible Entity)



****Note that 24 CFR §58.6 - Flood Insurance, Coastal Barrier Resources Act, and Runway Clear Zone Requirements - apply to all projects whether exempt, categorically excluded, or requiring the EA or EIS level of review.**



Below is a detailed, step-by-step process for ensuring compliance with Environmental Review requirements in the context of CDBG-DR programs.

| Step | Process |
|-------|--|
| 1.0 | Define project: Consider entire project, even if HUD funding is only going to part of the project. |
| 2.0 | Determine level of review, based on project description: <ul style="list-style-type: none"> • Exempt (by definition) • Categorically Excluded, Not Subject to §58.5 • Categorically Excluded and Subject to Review with §58.5 • Environmental Assessment (not exempt or categorically excluded, so EA required) |
| 3.0 | Complete review based on level of review determination. |
| 3.1 | Exempt (by definition): <ul style="list-style-type: none"> • No Request for Release of Funds (RROF) needed. • Record determination in Environmental Review Record (ERR). • Environmental Review Complete. |
| 3.2 | Categorically Excluded, Not Subject to §58.5 (CENST): <ul style="list-style-type: none"> • No RROF needed. • Record determination in ERR. • Environmental Review complete. |
| 3.3 | Categorically Excluded and Subject to Review with §58.5 (CEST): <ul style="list-style-type: none"> • Complete Statutory Checklist; EITHER: <ul style="list-style-type: none"> ○ No compliance/consultation with regulatory authorities required (3.3.1); OR ○ Compliance/consultation required (3.3.2). |
| 3.3.1 | CEST – No compliance/consultation with regulatory authorities required: <ul style="list-style-type: none"> • Project converts to exempt. • No RROF needed. • Record determination in ERR. |



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| | <ul style="list-style-type: none"> • Environmental Review complete. |
| 3.3.2 | <p>CEST – Compliance/consultation required:</p> <ul style="list-style-type: none"> • Responsible Entity (RE) must publish NOI/RROF <ul style="list-style-type: none"> ○ 7-10 days public notice (publish/post and mail) • After conclusion of public comment period, RE sends RROF (7015.15) and proof of public notice to HUD/State. • 15 day period for HUD/State to receive objections to release of funds. • After objection period, HUD/State issues 705.16 – Authority to Use Grant Funds or Release Letter. • Environmental Review complete. |
| 3.4 | <p>Environmental Assessment (EA):</p> <ul style="list-style-type: none"> • Complete Statutory Checklist • Complete Environmental Assessment Checklist/Form • EITHER: <ul style="list-style-type: none"> ○ Finding of No Significant Impact (FONSI) made (3.4.1); OR ○ Finding of Significant Impact made (3.4.2). |
| 3.4.1 | <p>EA – FONSI made:</p> <ul style="list-style-type: none"> • Publish combined NOI/RROF and Notice of FONSI for 15 days (18 days if posted/mailed) • After conclusion of public comment period, RE sends RROF (7015.15) and proof of public notice to HUD/State. • 15-day period for HUD/State to receive objections to release of funds. • After objection period, HUD/State issues 705.16 – Authority to Use Grant Funds or Release Letter. • Environmental Review complete. |
| 3.4.2 | <p>EA – Finding of Significant Impact made:</p> <ul style="list-style-type: none"> • Requires Environmental Impact Statement (EIS). • Publish Notice of Intent to Prepare EIS. • Prepare and publish Draft EIS. • Prepare and publish Final EIS. |



VI. SCOPE OF WORK AND EVALUATION CRITERIA

A. *Timing*

Once a potential recipient has applied or a project has been approved for CDBG-DR funds from the State, 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 any choice-limiting actions (as defined at 24 CFR 58.22) from being undertaken prior to completion of the review and the determination of environmental clearance. For more information, visit the HUD Exchange, which also gives guidance for grantees on when to use conditional and option contracts for the purchase of real property under 24 CFR 58.

CDBG-DR may reimburse allowable pre-award costs incurred by the grantee or subrecipient and pre-application costs incurred by beneficiaries on or after the incident date, only if the environmental review under 24 CFR part 58 and all other applicable cross-cutting requirements were completed before the start of the underlying activity (e.g., before construction, rehabilitation, or acquisition proceeds). Any such activities the grantee intends to reimburse must be identified in the Action Plan.

Where a recipient (or other project participant) has begun a project in good faith as a private project, the State 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 State, 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.

Example Scenario: 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-DR funds. If prohibited activities are undertaken prior to receiving approval from the State, the applicant is at risk for the denial of CDBG-DR assistance. The reason is these actions interfere with the State'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.

B. *Determining the Level of Environmental Review*

To begin the Environmental Review process, the responsible entity 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.

C. Types of Environmental Review

This section will focus on the five environmental classifications that are recognized under the CDBG-DR program:

- Exempt Activities – 24 CFR Part 58.34
- Categorically Excluded Activities Not Subject to 58.5 (CENST) – 24 CFR Part 58.35(b)
- Categorically Excluded Activities Subject to 58.5 (CEST) – 24 CFR Part 58.35(a)
- Activities Requiring an Environmental Assessment (EA) – 24 CFR Part 58.36
- Activities Requiring an Environmental Impact Statement (EIS) – 24 CFR Part 58.37:

The sections 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 (see Appendix).

1. 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:

- Environmental and other studies and plans.
- Engineering and design costs.
- Inspections and testing for hazards.
- Supportive services for health care, housing, housing placement, day care, and short-term rent payment.
- Public services related to crime prevention and health.
- 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.

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 HUD exchange (see Appendix).



Exempt activities do not require publication of a Notice of Intent to Request Release of Funds (NOI-RROF) or submission of a Request for Release of Funds (RROF). The activity may commence as soon as the exempt review is completed.

2. 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 under NEPA and are not subject to the Federal laws and authorities referenced at 24 CFR 58.5 (although they are still subject to § 58.6). These activities are listed at 24 CFR 58.35(b), and include:

- Tenant-based rental assistance;
- Affordable housing pre-development costs including legal, consulting, developer and other related costs;
- Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services; and
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs.

The required HUD format for CENST activities may be found on the HUD Exchange (see Appendix).

CENST activities do not require publication of a NOI-RROF or submission of a RROF. The activity may commence as soon as the CENST review is completed.

3. 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.

Some examples of CEST-level activities include residential scattered site demolition, owner-occupied home repair, and improvement of existing public facilities and improvements without a change in use or an expansion in size or capacity of more than 20%.

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. CEST environmental reviews are also subject to the requirements of § 58.6.

The RE 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 (see Appendix).

If a CEST-level review is completed and there are no compliance issues or mitigation required, the review converts to exempt and the RROF process is not required. However, if there are compliance issues that require mitigation, public notice is required via a Notice of Intent to Request Release of Funds (NOI-RROF) and a public comment period is required. The public comment period is seven (7) days if published or fifteen (15) days if posted. In addition to publication or posting, the NOI-RROF notice will be provided to federal and state environmental representatives, local news media, and citizen and environmental groups likely to have an interest in the project.

Day 1 of the public comment period is the first full day after posting or publication. If the final day of the comment period falls on a Sunday or holiday, the comment period must be extended an extra day. DHSEM will document and respond to all comments received during the public comment period.

After the full number of days for the public comment period has elapsed, DHSEM will submit a Request for Release of Funds to HUD using Form 7015.15. This form will be accompanied by a copy of the NOI-RROF and documentation of posting or publication, as applicable.

Upon receipt of the RROF and supporting documentation, HUD will observe an additional 15-day public comment period. At the conclusion of this comment period, if there are no comments, HUD will issue Authority to Use Grant Funds (AUGF) using Form 7015.16. At this point the project may commence.

4. 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 the law that further the purposes of NEPA, as specified in § 58.5 and 58.6.

Environmental assessments must result in either a Finding of No Significant Impact (FONSI) or a Finding of Significant Impact (FOSI). Projects that are anticipated to have a significant impact will require an Environmental Impact Statement (EIS).

For environmental assessments with a FONSI determination, public notice is required via a combined notice disclosing the Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI-RROF), and a public comment period is required. The public comment period is fifteen (15) days if published or eighteen (18) days if posted. If a project is anticipated to be controversial, the public comment period will be thirty (30) days. In addition to publication or posting, the FONSI-RROF notice will be provided to federal and state environmental



representatives, local news media, and citizen and environmental groups likely to have an interest in the project.

Day 1 of the public comment period is the first full day after posting or publication. If the final day of the comment period falls on a Sunday or holiday, the comment period must be extended an extra day. DHSEM will document and respond to all comments received during the public comment period.

After the full number of days for the public comment period has elapsed, DHSEM will submit a Request for Release of Funds to HUD using Form 7015.15. This form will be accompanied by a copy of the FONSI-RROF and documentation of posting or publication, as applicable.

Upon receipt of the RROF and supporting documentation, HUD will observe an additional 15-day public comment period. At the conclusion of this comment period, if there are no comments, HUD will issue Authority to Use Grant Funds (AUGF) using Form 7015.16. At this point the project may commence.

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 NEPA 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 Environmental Impact Statement should include qualitative measure of importance of the environmental impacts. New Mexico DHSEM, as well as HUD, should be consulted as soon as possible if an Environmental Impact Statement is deemed necessary.

D. Compliance with 24 CFR 58.6 Requirements

In addition to NEPA and the related laws at §58.5, each Environmental Review must document compliance with §58.6 requirements:

- **Flood Insurance:** Projects located in FEMA-designated Special Flood Hazard Areas must obtain and maintain flood insurance under the National Flood Insurance Program as a condition of assistance.
- **Coastal Barrier Resources:** Confirm that no activities occur within a designated Coastal Barrier Resources System (CBRS) unit.
- **Airport Clear Zones:** For residential projects near civil airports or military airfields, document whether properties fall within Clear Zones or Accident Potential Zones. Provide required disclosures and mitigation, if applicable.



These determinations must be documented in the ERR using the HUD checklist noted in 58.5 Part 58.6 called “Other Requirements.”

E. 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 (see Appendix).

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 Notice of Intent to Request Release of Funds (NOI/RROF) following the completion of the Tier 1 review.

The State is not required to republish these notices or submit additional Request for Release of Funds (RROF) documentation following the site-specific Tier 2 reviews unless there are compliance issues with a site that prevent the project from converting to Exempt. If a Tier 2 project cannot convert to exempt, the NOI-RROF may need to be undertaken again for that specific project, or additional analysis may be required. Tier 2 documentation remains in the ERR.

F. Adoption of Another Federal Agency’s Environmental Review

If CDBG-DR funds supplement other Federal assistance, DHSEM as the responsible entity will adopt, without additional review or public comment, any environmental review, approval, or permit performed by a Federal agency, provided the actions covered by the other agency’s review and those proposed for CDBG-DR are substantially the same. The ERR will include: (1) a complete copy of the Federal agency’s review; (2) a memo to file verifying the scope-of-work match; and (3) notice on the RROF (HUD-7015.15) identifying DHSEM as the adopting RE, the other Federal agency, the project name, and the date of the adopted review. If the activity changes so the prior review no longer covers it, DHSEM will reevaluate and supplement to comply with 24 CFR part 58. When permitted by the appropriations acts, HUD may immediately approve the release of funds upon receipt of the RROF for adopted reviews or for activities categorically excluded from NEPA.



VII. ROLES AND RESPONSIBILITIES

| Stakeholder | Roles & Responsibilities |
|---------------------------------------|--|
| <p>Responsible Entity (RE)</p> | <p>As the authorized agency for all statewide disaster response and recovery operations, the Department of Homeland Security and Emergency Management (DHSEM) is the Responsible Entity (RE) for management of CDBG-DR.</p> <p>New Mexico’s DHSEM is committed to the responsible stewardship of New Mexico’s environment, cultural heritage, and natural resources. In accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321 et seq.), we ensure that environmental factors are fully considered in decision-making related to projects supported by federal funds. 24 CFR Part 58, the Environmental Review governs the CDBG-DR environmental review process and DHSEM will comply will all applicable requirements.</p> <p>It should be noted that regardless of who completes the Environmental Review, the DHSEM 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.</p> <p>When the DHSEM (including through subrecipients that are not units of general local government) carries out activities directly, DHSEM must submit the Request for Release of Funds (RROF) and certification to HUD for approval per 24 CFR 58.4(b)(1) and 58.18; HUD approves the RROF. HUD does not require routine submission of complete ERR files unless requested, but the ERR must be complete and available for HUD review.</p> <p>As the Responsible Entity, DHSEM will also be responsible for ensuring any mitigation measures or conditions for approval are implemented.</p> <p>To carry out its environmental responsibilities, the RE should designate two responsible parties: a Certifying Officer and an Environmental Officer.</p> |
| <p>Certifying Officer</p> | <p>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,</p> |



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| | 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. |
| 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. |

VIII. CONFLICTS OF INTEREST AND MODIFICATIONS

To maintain the highest standards of integrity, all stakeholders, including DHSEM staff, subrecipients, contractors, and partners, must adhere to strict conflict of interest guidelines and the Conflict of Interest Policy.

IX. DOCUMENTATION & RECORDKEEPING

A. *Environmental Review Record (ERR)*

The Responsible Entity (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 Environmental Review Record (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 required to consider the potential impacts of all functionally and geographically related activities in the scope of the ER, not just the activity being proposed for CDBG-DR funding. 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, the Related Laws and Authorities (58.5) and Other Requirements (58.6) cited in compliance checklists, and other applicable federal, state and local requirements. 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 HUD and must be fully documented in the ERR.

Under tiering, public notice and the RROF are processed at the broad (Tier-1) level; separate site-specific publication is not required unless there are compliance issues. However, no funds may be spent or committed for any specific site until both the Tier-1 and the site-specific (Tier-2) reviews are completed and approved.

The HUD Exchange’s Environmental Review 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 (see Appendix).

X. REFERENCES

| Executive Order, Federal and State Laws and Regulations | Description |
|---|---|
| HUD Environmental Review Procedures (<i>24 CFR Part 58, subparts A</i>) | Provides instructions and guidance to recipients of HUD assistance and other responsible entities for conducting an environmental review for a particular project or activity and for obtaining approval of a Request for Release of Funds. |
| National Environmental Policy Act (NEPA) (<i>42 U.S.C. § 4321 et seq.</i>) | A U.S. law that requires federal agencies to assess the environmental impacts of their proposed major actions before making decisions. |
| Council on Environmental Quality (CEQ) NEPA Regulations (<i>40 CFR §§ 1500-1508</i>) | The procedures federal agencies must follow to assess and disclose the environmental effects of their proposed actions. |
| Section 106 of the National Historic Preservation Act (<i>54 U.S.C. § 300101</i>) | A federal law that requires federal agencies to identify and assess the effects of their undertakings—projects, activities, or programs funded, permitted, licensed, or approved by a federal agency—on historic properties. |
| Endangered Species Act (<i>16 U.S.C. § 1531 et seq.</i>) | A federal law to protect and recover imperiled species and their ecosystems. It prohibits harming or killing endangered |



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| | species, requires protection of their "critical habitat," and mandates recovery plans. |
| Clean Water Act (<i>33 U.S.C. § 1251 et seq.</i>) | The primary federal law that regulates water pollution in the United States, establishing the National Pollutant Discharge Elimination System (NPDES) to control pollutant discharges from point sources into navigable waters. |
| Clean Air Act (<i>42 U.S.C. § 7401 et seq.</i>) | A federal law that regulates air emissions to protect public health and the environment by setting national air quality standards. |
| Safe Drinking Water Act (<i>42 U.S.C. § 300f et seq.</i>) | A federal law that protects public health by regulating the nation's public drinking water supply. |
| Executive Order 13175 – Tribal Consultation | Requires federal agencies to have regular and meaningful consultation with Indian tribal governments before promulgating regulations that have tribal implications. |
| Executive Order 14154 – Unleashing American Energy | Enacted to promote affordable and reliable energy, strengthen U.S. energy independence, and enhance national security by reducing reliance on foreign sources. |
| Executive Order 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity | Prohibits federally funded programs from using protected characteristics as a motivating factor in decisions regarding admissions, scholarships, and other opportunities. |
| Environmental Improvement Act (<i>N.M. Stat. Ann. § 74-1-1 et seq.</i>) | The foundational law that establishes the state's authority for environmental protection and consumer protection. It creates the Environmental Improvement Board (EIB), which oversees areas such as air and water quality, solid and hazardous waste, and occupational health and safety. |
| Water Quality Act (<i>N.M. Stat. Ann. § 74-6-1 et seq.</i>) | The state's primary law for water quality management, establishing the Water Quality Control Commission (WQCC) to set standards and direct programs. |
| Air Quality Control Act (<i>N.M. Stat. Ann. § 74-2-1 et seq.</i>) | The state law that governs air quality and the prevention and abatement of air pollution throughout New Mexico. |
| Cultural Properties Act (<i>N.M. Stat. Ann. § 18-6-1 et seq.</i>) | Establishes the state's historic preservation principles and legal framework, including the creation of the Cultural |



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| | Properties Review Committee (CPRC) and the State Register of Cultural Properties. |
| Sunshine Laws – Opening Meetings Act (<i>N.M. Stat. Ann. § 10-15-1 et seq.</i>) | Mandates that most public meetings be open, while the IPRA gives the public the right to access government records, such as reports, emails, and meeting minutes. |

XI. APPENDICES

The appendix contains supplementary material which forms a part of this document but is not essential for its completeness, containing supporting information and will appear in this section.

| Form Name, Process Map Name, OR Document Name | Link to Document |
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| HUD Exchange Environmental Review Website | https://www.hudexchange.info/programs/environmental-review/ |
| Part 58 Environmental Review – Exempt or Categorically Excluded (Not Subject to 58.5) Format | https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/ |
| Part 58 Environmental Review – Format for Activities Categorically Excluded under 58.35(a) (CEST) | https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/ |
| Environmental Assessment | https://www.hudexchange.info/programs/environmental-review/environmental-assessments/ |
| Environmental Impact Statements | https://www.hudexchange.info/programs/environmental-review/environmental-impact-statements/ |
| Summary Table of Levels of Environmental Review and Documentation Required in ERR | https://www.hudexchange.info/resource/785/summary-table-of-levels-of-environmental-review-and-documentation-required-in-err/ |
| Tiered Environmental Reviews | https://www.hudexchange.info/programs/environmental-review/tiered-environmental-reviews |