ESTADO LIBRE ASOCIADO DE PUERTO RICO

OCAM
Oficina del Comisionado de Asuntos Municipales

Lcdo. Angel M. Castillo Rodríguez
Comisionado

Sra. Maureen Calderón Alers, MBA
Sub Comisionada

"La mano amiga de los municipios"

MEMORANDO CIRCULAR NUM. 2007-04

7 de junio de 2007

TODOS LOS ALCALDES DE LOS MUNICIPIOS "NON-ENTITLEMENT"

Lcdo. Ángel M. Castillo Rodríguez
Comisionado

PROCESO DE CERTIFICACIÓN Y SOLICITUD DE LIBRAMIENTO DE FONDOS PARA LOS MUNICIPIOS "NON-ENTITLEMENT" DEL PROGRAMA CDBG DEL ESTADO

Atendiendo el reclamo de los municipios para simplificar el proceso de envío de documentos relacionados con el área ambiental a nuestra Agencia, hemos preparado el procedimiento revisado del Estado para el proceso de certificación y solicitud de libramiento de fondos. ***Este procedimiento será efectivo a partir del 1ro de julio de 2007.***

BASE LEGAL

La Sección 24 CFR Parte 58.1[1] establece en su inciso (a) la responsabilidad de las agencias recipiendarias[2] y de las agencias responsables[3] de adjudicar y preparar respectivamente el proceso de revisión ambiental de las actividades y proyectos que se financien con fondos del Programa CDBG del Estado. A su vez, 24 CFR Parte 58.18[4] establece la autoridad de OCAM de aceptar y recibir de HUD la responsabilidad de adjudicar el proceso de revisión ambiental iniciado por los municipios "non-entitlement".

[1] Referirse al Exhibit I.
[2] Para efectos del proceso de revisión ambiental, OCAM actúa como la agencia recipiendaria de los fondos CDBG del Estado, al ser la agencia designada como tal por el Gobernador de Puerto Rico.
[3] Para efectos del proceso de revisión ambiental, los municipios "non-entitlement" actúan como las agencias responsables de los fondos CDBG del Estado, asumiendo la responsabilidad de certificar y solicitar el libramiento de fondos a OCAM.
[4] Referirse al Exhibit II.

P.O. Box 70167 San Juan, P.R. 00936-8167 • Tel: (787) 754-1600 - Fax: (787) 753-8254

OBJETIVO

Esta circular establece tres objetivos:

1. Definir el protocolo de cumplimiento del proceso de revisión ambiental que observarán los municipios "non-entitlement".

2. Reconocer al Alcalde como el Oficial que Certifica (certifying official) el cumplimiento del proceso de revisión ambiental de las actividades que se llevan a cabo en su jurisdicción territorial.

3. Reconocer la jurisdicción del Tribunal de Distrito de los Estados Unidos para resolver cualquier controversia que surja sobre la certificación emitida por el Alcalde.

TRASFONDO

Toda actividad que se financie con fondos del Programa CDBG del Estado está sujeta a un proceso de revisión ambiental, en cumplimiento de la reglamentación de HUD. Dependiendo de la complejidad del proyecto, la revisión ambiental puede determinar que la actividad cumplió con una de las siguientes cuatro opciones:

- Es exenta, por lo cual no conlleva publicar determinación de impacto no-significativo al ambiente ni la publicación de la solicitud de libramiento de fondos.

- Categóricamente excluida, la cual se pudo convertir en exenta. Como en el caso anterior, actividades exentas no requieren publicar una determinación de impacto no-significativo al ambiente ni la publicación de la solicitud de libramiento de fondos.

- Categóricamente excluida, que no conlleva cambio en el uso de terreno ni de aumento en densidad de más del 20%. Esta determinación conlleva la publicación de la solicitud de libramiento de fondos y un término de espera de comentarios de 7 días por parte de la comunidad.

- Evaluación ambiental, aplica a los proyectos de nueva construcción, y a los de mejoras, rehabilitación, o reconstrucción de edificaciones o servidumbre que impliquen un cambio en el uso de terreno y/o aumento en la densidad del proyecto de más del 20%. Esta determinación conlleva publicar el Aviso de Impacto No-Significativo del Ambiente y el de la Solicitud de Libramiento de Fondos. Ambos anuncios se pueden publicar independientemente o en conjunto y tienen un término de espera de comentarios de 15 días por parte de la comunidad.

Los municipios "non-entitlement" del Programa CDBG del Estado son las agencias responsables ante OCAM de hacer la determinación ambiental de los proyectos que se financian anualmente por conducto de la Asignación Básica (AB), del Fondo Competitivo (FC), Fondo de Emergencia (FE) y Disaster Recovery (DR) y cualquier otro programa federal que en el futuro se nos asigne.

La responsabilidad de OCAM ante HUD surge al firmar el Gobernador de Puerto Rico el contrato[5] de asistencia económica del Programa CDBG del Estado. HUD delega en el Gobernador y el Gobernador en OCAM la responsabilidad de adjudicar el proceso de revisión ambiental que inician los municipios "non-entitlement", que como mencionamos, actúan como agencia responsable ante OCAM. ***Al ser fondos de HUD, el Alcalde acepta la responsabilidad indelegable de realizar el proceso de revisión ambiental comprometiéndose a:***

- Responder a OCAM de los informes de monitoria y cumplimiento de las actividades que el Alcalde lleve a cabo para dar cumplimiento al proceso de revisión ambiental delegado a ellos.

- Referir a OCAM copia de los documentos evidenciarios, avisos de determinación de impacto no-significativo del ambiente, solicitudes de libramiento, avisos combinados y cualquier otra notificación pública que se haga sobre el impacto ambiental que pueda tener un proyecto CDBG, y

- Recibir, atender y responder a los comentarios o solicitudes que puedan recibir sobre la evaluación ambiental de cualquier proyecto que se presente a OCAM.

Las instrucciones que se presentan en esta circular no atenderán asuntos específicos del proceso normativo de evaluación ambiental, solo los de carácter procesal, por lo cual exhortamos a los alcaldes a consultar las veces que necesiten al Área de Programas Federales, hasta que tengan la certeza de que puedan cumplir a cabalidad con las normas establecidas con la reglamentación de HUD en 24 CFR Parte 58.

PROTOCOLO

El aspecto procesal de revisión ambiental se ha revisado para:

- ✓ Que el Alcalde pueda certificar a OCAM que completó el proceso de consulta con las agencias y ha hecho una determinación de ***Impacto No significativo al Ambiente y los Recursos Culturales*** al someter la solicitud de propuestas AB, FC, FE y DR. Para esto se utilizarán los modelos presentados como Anejo 2 y el Exhibit 3.

- ✓ Previo a la firma de un contrato de construcción, reconstrucción, mejoras o rehabilitación, el Alcalde publicará el Aviso de Impacto No-Significativo al Ambiente y el de Solicitud de Intención de Libramiento de Fondos de forma individual o combinado según sea el caso.

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[5] Este es el "grant agreement" que firma anualmente el Gobernador y provee los fondos CDBG del Estado que administrará OCAM por medio del Método de Distribución aprobado por HUD en el Plan de Acción Consolidado para el año corriente.

- ✓ Luego del periodo de espera de siete días (si el anuncio fue exclusivamente por la solicitud de libramiento) o quince días (si el anuncio fue el combinado que incluye la determinación de impacto no significativo al ambiente y la solicitud de libramiento) por los comentarios del público, el Alcalde complementará y firmará la forma HUD-7015.15 para solicitar el libramiento de fondos.

- ✓ En la carta de trámite a OCAM el Alcalde incluirá firmada la forma HUD-7015.15 para solicitar el libramiento de fondos y la copia de los Avisos si los publicó individualmente o el combinado anunciando el Impacto No Significativo al Ambiente y la Solicitud de Libramiento de Fondos.

- ✓ OCAM emitirá la forma HUD-7015.16[6] Autorización de Uso de Fondos al Municipio al concluir el periodo de espera de quince días para los comentarios del público.

OCAM responderá a los comentarios del público. Si hay alguno esto podrá dilatar el trámite de la forma HUD-7015.16 al Alcalde hasta que se resuelva la controversia presentada en el comentario del público.

OCAM no renuncia al derecho delegado por parte de HUD en 24 CFR 58.10[7] de solicitar a los municipios documentación pertinente al proceso de revisión ambiental del proyecto si es que llega alguna petición de agencia o individuo alguno sobre la determinación de impacto no significativo al ambiente y los recursos culturales descubiertos o no descubiertos.

Es importante aclarar el alcance de esta determinación que OCAM publicó en el Plan de Acción del Año 2007.

El requisito de revisión ambiental es un requisito de HUD y requiere que el Alcalde certifique que toda actividad financiada con fondos CDBG del Estado no tendrá o causarán un impacto significativo al ambiente o a los recursos culturales del área. Se entiende como impacto ambiental toda alteración o perturbación al medio físico que circunda el proyecto y como recurso cultural aquellos que puedan ser impactados, ya sea que estén identificados como tal, los que no se han descubierto o identificado que puedan identificarse en el momento de la realización del proyecto o aquellas edificaciones con 50 años ó más que pudieran tener un detalle arquitectónico o histórico que pudiera justificar su inclusión en el Registro Nacional de Lugares y Sitios Históricos.

HUD ha establecido los siguientes requisitos de cumplimiento previo a que el Alcalde solicite el libramiento de fondos CDBG a OCAM.

58.34[8] Proyectos exentos:

Los proyectos exentos del proceso de revisión ambiental son las actividades que se identifican en dicha sección y el criterio a seguir es "***La actividad que se propone en el momento para requisar dinero de CDBG no se utilizará para la construcción o reconstrucción, mejoras o rehabilitación del proyecto en este***

[6] Referirse al Exhibit 4.
[7] Referirse al Exhibit 5.
[8] Referirse al Exhibit 6.

momento." En otras palabras, el dinero a requisarse es para continuar haciendo las actividades de planificación, permisología, diseño, transacciones de papel y las enunciadas en 24 CFR 58.34.

58.35[9] Proyectos categóricamente excluidos:

Esta sección define dos tipos de transacción sobre esta categoría. La primera transacción tiene que ver con las actividades de ***reconstrucción, mejoras o rehabilitación*** de edificaciones o servidumbre existente donde el proyecto no propone un cambio del uso existente de la pertenencia ni un cambio en su densidad de más o menos 20%. Estas actividades se enumeran en la Sección 58.35(a) y requieren el cumplimiento del "Statutory Checklist" cuyas instrucciones se proveen en la Sección 58.5.[10]

Si de las consultas a las agencias no surge una recomendación de medida de mitigación al ambiente o a los recursos culturales que requiera una inversión significativa de dinero CDBG, la actividad podrá aprobarse como un Proyecto categóricamente excluido por NEPA[11].

El Municipio cumplimentará el "Statutory Checklist" como evidencia del estudio de revisión ambiental, cumplimentando las consultas requeridas en dicho formulario. Si de las consultas se recomienda el diseño de alguna medida de mitigación, ya sea porque impacta algún recurso cultural, se ubica en zona inundable o causa alguna perturbación temporera o permanente al medio ambiente circundante, el proyecto no se puede clasificar como categóricamente excluido. De requerirse medidas de mitigación significativa, como lo seria la preparación de un estudio hidráulico-hidrológico, por qué el se ubica en zona inundable, en el diseño del se requerirá de la inclusión de medidas de mitigación significativa y el proyecto no se puede adjudicar como categóricamente excluido. En estos casos hay que preparar el "***Documento de revisión ambiental***."[12]

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[9] Referirse al Exhibit 7.
[10] Referirse al Exhibit 8.
[11] NEPA significa: National Environmenal Protection Act.
[12] Referirse al Exhibit 9

Si la actividad mantiene su determinación como ***Categóricamente excluida***, el Alcalde solo tiene que publicar el ***Aviso de Solicitud de libramiento de fondos***.[13]

El segundo trámite está incluido en 24 CFR 58.35(b), que permite convertir en exentas otras actividades que se incluyen como categóricamente excluida en dicha sección. En estos casos las instrucciones de cumplimiento ambiental están indicadas en 24 CFR 58.6[14]. El Alcalde evaluará y proveerá evidencia de que la actividad no está localizada en zona inundable, en arrecife costero, o alineada a un aeropuerto. De ser afirmativa la primera opción, la actividad no podrá adjudicarse como ***Exenta***.

Si la actividad mantiene su determinación como ***Exenta***, el Alcalde no tiene que publicar la ***Declaración de impacto no-significativo al ambiente*** ni publicar la ***Solicitud de libramiento de fondos***.

58.36 Estudio de evaluación ambiental:

Esta sección aplica a todo proyecto de ***construcción nueva*** y los proyectos de ***reconstrucción, mejoras o rehabilitación*** de edificaciones o servidumbre existente donde ocurre un cambio del uso existente de la pertenencia y/o un cambio en su densidad de más o menos del 20%. El reglamento federal requiere que el Alcalde cumpla con las disposiciones de la Subparte E, que cubre desde las Secciones 58.40, 58.43, 58.45, 58.46 y 58.47. Ver el Exhibit 9.

La preparación del Estudio de Evaluación Ambiental requiere consultar extensivamente a las agencias descritas en el "Statutory Checlist" y tomar en consideración las medidas de mitigación ambiental y cultural sugeridas por ellas, como lo es por ejemplo, las recomendaciones que pueda hacer un estudio hidráulico hidrológico o las de la Oficina Estatal de Conservación Histórica.

[13] Referirse al Exhibit 10.
[14] Referirse al Exhibit 11.

Una vez incorporadas las medidas de mitigación en el diseño del proyecto, el Alcalde está en la posición de publicar la ***Declaración de impacto no-significativo al ambiente*** y el de ***Solicitud de libramiento de fondos***. De forma combinada y esperar los quince días reglamentarios para comentarios del público. Ver Exhibit 12.

Los modelos de Anejos que se presentan a continuación serán cumplimentados por el Alcalde e incluidos en la carta de trámite para su procesamiento:

Anejo 1 Modelo carta de trámite a OCAM.

Anejo 2 Modelo de certificación que firmará el Alcalde sobre el cumplimiento del proceso de revisión ambiental y la determinación de impacto no-significativo al ambiente y solicitud de libramiento de fondos.

Anejo 3 Copia del Aviso de Impacto No-Significativo al Ambiente y copia del Aviso de Solicitud de Intención de Libramiento de Fondos, ambos de forma individual o combinado según sea el caso. Se utilizará cualquiera de los modelos presentados en los Exhibits 10 ó 12. Ver Exhibit 10 ó 12, según aplique.

Anejo 4 Forma HUD-7015.15 debidamente cumplimentada y firmada. Las instrucciones para cumplimentar esta forma están en el Exhibit 3.

La relación de Exhibits que se presentan a continuación, son documentos de apoyo al análisis del Municipio para que puedan cumplir a cabalidad con las determinaciones reglamentarias de HUD.

Exhibit 1 § 58.1 Purpose and applicability.

Exhibit 2 § 58.18 Responsibilities of States assuming HUD environmental responsibilities.

Exhibit 3 Form HUD-7015.15 Request for Release of Funds and Certification.

Exhibit 4 Form HUD-7015.16 Authority for Use of Grant Funds.

Exhibit 5 § 58.10 Basic environmental responsibility.

Exhibit 6 §58.34 Exempt activities.

Exhibit 7 §58.35 Categorical exclusions.

Exhibit 8 §58.5 Related Federal laws and authorities.

Exhibit 9 Subpart E- ENVIRONMENTAL REVIEW PROCESS: ENVIRONMENTAL ASSESSMENTS

§58.40 Preparing the environmental assessment.
§58.43 Dissemination and/or publication of the findings of no significant impact.
§58.45 Public comment periods.
§58.46 Time delays for exceptional circumstances.
§58.47 Re-evaluation of environmental assessments and other environmental findings.

Exhibit 10 Modelo de Aviso de Solicitud de Libramiento de Fondos.

Exhibit 11 §58.6 Other requirements.

Exhibit 12 Modelo de Aviso Combinado.

De surgir alguna duda o necesitar información adicional, puede comunicarse con la Sra. Tomasita Rosado Mulero, Comisionada Auxiliar del Área de Programas Federales, al (787) 754-1600, extensión 266 ó 267.

TR/jp/MEMO601

Anejos

58.74 Time for objecting.
58.75 Permissible bases for objections.
58.76 Procedure for objections.
58.77 Effect of approval of certification.

AUTHORITY: 12 U.S.C. 1707 note, 1715z-13a(k); 25 U.S.C. 4115 and 4226; 42 U.S.C. 1437x, 3535(d), 3547, 4332, 4852, 5304(g), 11402, 12838, and 12905(h); title II of Pub. L. 105-276; E.O. 11514 as amended by E.O 11991, 3 CFR 1977 Comp., p. 123.

SOURCE: 61 FR 19122, Apr. 30, 1996, unless otherwise noted.

Subpart A—Purpose, Legal Authority, Federal Laws and Authorities

§ 58.1 Purpose and applicability.

(a) *Purpose.* This part 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.

(b) *Applicability.* This part applies to activities and projects where specific statutory authority exists for recipients or other responsible entities to assume environmental responsibilities. Programs and activities subject to this part include:

(1) Community Development Block Grant programs authorized by Title I of the Housing and Community Development Act of 1974, in accordance with section 104(g) (42 U.S.C. 5304(g));

(2) [Reserved]

(3)(i) Grants to states and units of general local government under the Emergency Shelter Grant Program, Supportive Housing Program (and its predecessors, the Supportive Housing Demonstration Program (both Transitional Housing and Permanent Housing for Homeless Persons with Disabilities) and Supplemental Assistance for Facilities to Assist the Homeless), Shelter Plus Care Program, Safe Havens for Homeless Individuals Demonstration Program, and Rural Homeless Housing Assistance, authorized by Title IV of the McKinney-Vento Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);

(ii) Grants beginning with Fiscal Year 2001 to private non-profit organizations and housing agencies under the Supportive Housing Program and Shelter Plus Care Program authorized by Title IV of the McKinney-Vento Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);

(4) The HOME Investment Partnerships Program authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA), in accordance with section 288 (42 U.S.C. 12838);

(5) Grants to States and units of general local government for abatement of lead-based paint and lead dust hazards pursuant to Title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1992, and grants for lead-based paint hazard reduction under section 1011 of the Housing and Community Development Act of 1992, in accordance with section 1011(o) (42 U.S.C. 4852(o));

(6)(i) Public Housing Programs under Title I of the United States Housing Act of 1937, including HOPE VI grants authorized under section 24 of the Act for Fiscal Year 2000 and later, in accordance with section 26 (42 U.S.C. 1437x);

(ii) Grants for the revitalization of severely distressed public housing (HOPE VI) for Fiscal Year 1999 and prior years, in accordance with Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998); and

(iii) Assistance administered by a public housing agency under section 8 of the United States Housing Act of 1937, except for assistance provided under part 886 of this title, in accordance with section 26 (42 U.S.C. 1437x);

(7) Special Projects appropriated under an appropriation act for HUD, such as special projects under the heading "Annual Contributions for Assisted Housing" in Title II of various Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts, in accordance with section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547);

agencies which sets forth the coordinated and overall responsibilities.

[63 FR 15271, Mar 30, 1998]

§ 58.15 Tiering.

Responsible entities may tier their environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate when there is a requirement to evaluate a policy or proposal in the early stages of development or when site-specific analysis or mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date. The site specific review need only reference or summarize the issues addressed in the broader review. The broader review should identify and evaluate those issues ripe for decision and exclude those issues not relevant to the policy, program or project under consideration. The broader review should also establish the policy, standard or process to be followed in the site specific review. The Finding of No Significant Impact (FONSI) with respect to the broader assessment shall include a summary of the assessment and identify the significant issues to be considered in site specific reviews. Subsequent site-specific reviews will not require notices or a Request for Release of Funds unless the Certifying Officer determines that there are unanticipated impacts or impacts not adequately addressed in the prior review. A tiering approach can be used for meeting environmental review requirements in areas designated for special focus in local Consolidated Plans. Local and State Governments are encouraged to use the Consolidated Plan process to facilitate environmental reviews.

§ 58.17 [Reserved]

§ 58.18 Responsibilities of States assuming HUD environmental responsibilities.

States that elect to administer a HUD program shall ensure that the program complies with the provisions of this part. The state must:

(a) Designate the state agency or agencies that will be responsible for carrying out the requirements and administrative responsibilities set forth in subpart H of this part and which will:

(1) Develop a monitoring and enforcement program for post-review actions on environmental reviews and monitor compliance with any environmental conditions included in the award.

(2) Receive public notices, RROFs, and certifications from recipients pursuant to §§ 58.70 and 58.71; accept objections from the public and from other agencies (§ 58.73); and perform other related responsibilities regarding releases of funds.

(b) Fulfill the state role in subpart H relative to the time period set for the receipt and disposition of comments, objections and appeals (if any) on particular projects.

[68 FR 56129, Sept. 29, 2003]

Subpart C—General Policy: Environmental Review Procedures

§ 58.21 Time periods.

All time periods in this part shall be counted in calendar days. The first day of a time period begins at 12:01 a.m. local time on the day following the publication or the mailing and posting date of the notice which initiates the time period.

§ 58.22 Limitations on activities pending clearance.

(a) Neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in § 58.1(b) on an activity or project until HUD or the state has approved the recipient's RROF and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in § 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

EXHIBIT 3

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 6/30/2001)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant/State's Program	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) 14.228	5. Name and address of responsible entity Municipality of PO Box PR 00	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request Office of the Commissioner for Municipal Affairs PO Box 70167 San Juan PR 00936-8167	7. Name and address of recipient (if different than responsible entity) Office of the Commissioner for Municipal Affairs PO Box 70167 San Juan PR 00936-8167	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal [ ] did [X] did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer Mayor of
X	Date signed

Address of Certifying Officer

Municipality of
PO Box
, PR 00

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

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

INSTRUCCIONES PARA CUMPLIMENTAR LA FORMA HUD-7015.15

✓ Luego del periodo de espera por los comentarios del público el Alcalde utilizará la forma HUD-7015.15 para solicitar el libramiento de fondos.

La forma HUD-7015.15 es el modelo que utiliza HUD para que los alcaldes que esten actuando como Entidades Responsables del Proceso de Revisión Ambiental certifiquen que han cumplido con dicho proceso y que han hecho una determinación de que el proyecto que se va a realizar no requiere la preparación de una Declaración de Impacto Ambiental. El modelo contiene tres partes, cumplimentandose sólo las primeras dos.

La Parte 1 del modelo requiere se cumplimente la siguiente información:

1. Community Development Block Grant/State's Program.

2. Se identifica AB-año o FC-año o FE-año.

3. Se deja en blanco.

4. 14.228.

5. Nombre y dirección del Municipio.

6. Nombre y teléfono de la persona de contacto que preparó el documento de solicitud de libramiento.

7. The Office of the Commissioner for Municipal Affairs
   Area of Federal Programs
   PO Box 70167
   San Juan, PR 00936-8167

8. The Office of the Commissioner for Municipal Affairs
   Area of Federal Programs
   PO Box 70167
   San Juan, PR 00936-8167

9. Nombre del proyecto.

10. Localización física del proyecto.

11. Descripción del proyecto.

La Parte 2 del modelo se titula Environmental Certification y es la certificación que firma el Alcalde comprometiéndose con el cumplimiento de los ocho apartados que se mencionan en la certificación. En la línea 3 el Alcalde marca el encasillado ☐ did not require the preparation and dissemination of an environmental impact statement. De no marcar este encasillado, la certificación es nula.

Luego procede a firmar en el encasillado propuesto, indicando que es el Alcalde, la fecha en que firma y la dirección del Alcalde.

- ✓ En la carta de trámite a OCAM el Alcalde incluirá copia del Aviso Combinado de Impacto No Significativo al Ambiente y Solicitud de Libramiento de Fondos.

  Cumplimentada esta forma el Alcalde la tramita a OCAM con carta de trámite y copia del Aviso de Libramiento de Fondos o el Aviso Combinado de Impacto No Significativo al Ambiente y Solicitud de Libramiento de Fondos.

- ✓ OCAM emitirá la forma HUD-7015.16 Autorización de Uso de Fondos al Municipio al concluir el periodo de espera para los comentarios del público.

  El modelo es de una página. El primer encasillado lo llena OCAM cumplimentando la información del Alcalde según se llenó en el modelo HUD-7015.15.

  En el segundo encasillado se anota la fecha en que se recibió el modelo HUD-7015.15.

  En el tercer encasillado se anota la información anotada en el encasillado 2 del modelo HUD-7015.15.

  En el espacio en blanco se identifican los proyectos enumerados en los encasillados 9 y 11 del modelo HUD-7015.15.

  Finalmente, firma el Comisionado de Asuntos Municipales, luego de pasar 15 días después de recibir la solicitud de libramiento.

EXHIBIT 4

Authority to Use Grant Funds

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

To: (name & address of Grant Recipient & name & title of Chief Executive Officer)	**Copy To:** (name & address of SubRecipient)

We received your Request for Release of Funds and Certification, form HUD-7015.15 on	
Your Request was for HUD/State Identification Number	

All objections, if received, have been considered. And the minimum waiting period has transpired.
You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.
File this form for proper record keeping, audit, and inspection purposes.

Typed Name of Authorizing Officer	Signature of Authorizing Officer	Date (mm/dd/yyyy)
Title of Authorizing Officer	X	

Previous editions are obsolete.

form **HUD-7015.16** (2/94)
ref. Handbook 6513.01

(j) *Environmental Justice.* Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56128, Sept. 29, 2003]

§58.6 Other requirements.

In addition to the duties under the laws and authorities specified in §58.5 for assumption by the responsible entity under the laws cited in §58.1(b), the responsible entity must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this part or preclude exemption of an activity under §58.34(a)(12) and/or the applicability of §58.35(b). However, the responsible entity remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under §58.34 or categorically excluded under §58.35(a) or (b).

(a)(1) Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4128), Federal financial assistance for acquisition and construction purposes (including rehabilitation) may not be used in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(i) The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards; and

(ii) Where the community is participating in the National Flood Insurance Program, flood insurance protection is to be obtained as a condition of the approval of financial assistance to the property owner.

(2) Where the community is participating in the National Flood Insurance Program and the recipient provides financial assistance for acquisition or construction purposes (including rehabilitation) for property located in an area identified by FEMA as having special flood hazards, the responsible entity is responsible for assuring that flood insurance under the National Flood Insurance Program is obtained and maintained.

(3) Paragraph (a) of this section does not apply to Federal formula grants made to a State.

(b) Under section 582 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 5154a, HUD disaster assistance that is made available in a special flood hazard area may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if:

(1) The person had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and

(2) The person failed to obtain and maintain flood insurance.

(c) Pursuant to the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources System.

(d) In all cases involving HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone, as defined in 24 CFR part 51, the responsible entity shall advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

Subpart B—General Policy: Responsibilities of Responsible Entities

§58.10 Basic environmental responsibility.

In accordance with the provisions of law cited in §58.1(b), except as otherwise provided in §58.4(c), the responsible entity must assume the environmental responsibilities for projects

under programs cited in § 58.1(b). In doing so, the responsible entity must comply with the provisions of NEPA and the CEQ regulations contained in 40 CFR parts 1500 through 1508, including the requirements set forth in this part.

[68 FR 56128, Sept. 29, 2003]

§ 58.11 Legal capacity and performance.

(a) A responsible entity which believes that it does not have the legal capacity to carry out the environmental responsibilities required by this part must contact the appropriate local HUD Office or the State for further instructions. Determinations of legal capacity will be made on a case-by case basis.

(b) If a public housing, special project, HOPWA, Supportive Housing, Shelter Plus Care, or Self-Help Homeownership Opportunity recipient that is not a responsible entity objects to the non-recipient responsible entity conducting the environmental review on the basis of performance, timing, or compatibility of objectives, HUD will review the facts to determine who will perform the environmental review.

(c) At any time, HUD may reject the use of a responsible entity to conduct the environmental review in a particular case on the basis of performance, timing or compatibility of objectives, or in accordance with § 58.77(d)(1).

(d) If a responsible entity, other than a recipient, objects to performing an environmental review, or if HUD determines that the responsible entity should not perform the environmental review, HUD may designate another responsible entity to conduct the review in accordance with this part or may itself conduct the environmental review in accordance with the provisions of 24 CFR part 50.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56129, Sept. 29, 2003]

§ 58.12 Technical and administrative capacity.

The responsible entity must develop the technical and administrative capability necessary to comply with 40 CFR parts 1500 through 1508 and the requirements of this part.

§ 58.13 Responsibilities of the certifying officer.

Under the terms of the certification required by § 58.71, a responsible entity's certifying officer is the "responsible Federal official" as that term is used in section 102 of NEPA and in statutory provisions cited in § 58.1(b). The Certifying Officer is therefore responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in § 58.5. The Certifying Officer must also:

(a) Represent the responsible entity and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court; and

(b) Ensure that the responsible entity reviews and comments on all EISs prepared for Federal projects that may have an impact on the recipient's program.

§ 58.14 Interaction with State, Federal and non-Federal entities.

A responsible entity shall consult with appropriate environmental agencies, State, Federal and non-Federal entities and the public in the preparation of an EIS, EA or other environmental reviews undertaken under the related laws and authorities cited in § 58.5 and § 58.6. The responsible entity must also cooperate with other agencies to reduce duplication between NEPA and comparable environmental review requirements of the State (see 40 CFR 1506.2 (b) and (c)). The responsible entity must prepare its EAs and EISs so that they comply with the environmental review requirements of both Federal and State laws unless otherwise specified or provided by law. State, Federal and local agencies may participate or act in a joint lead or cooperating agency capacity in the preparation of joint EISs or joint environmental assessments (see 40 CFR 1501.5(b) and 1501.6). A single EIS or EA may be prepared and adopted by multiple users to the extent that the review addresses the relevant environmental issues and there is a written agreement between the cooperating

separate locales or jurisdictions; *geographic aggregation* when a mix of dissimilar but related activities is to be concentrated in a fairly specific project area (e.g., a combination of water, sewer and street improvements and economic development activities); or *a combination of aggregation approaches*, which, for various project locations, considers the impacts arising from each functional activity and its interrelationship with other activities.

(c) The purpose of project aggregation is to group together related activities so that the responsible entity can:

(1) Address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions. (See 40 CFR 1508.25(a)).

(2) Consider reasonable alternative courses of action.

(3) Schedule the activities to resolve conflicts or mitigate the individual, combined and/or cumulative effects.

(4) Prescribe mitigation measures and safeguards including project alternatives and modifications to individual activities.

(d) *Multi-year project aggregation*—(1) *Release of funds.* When a recipient's planning and program development provide for activities to be implemented over two or more years, the responsible entity's environmental review should consider the relationship among all component activities of the multi-year project regardless of the source of funds and address and evaluate their cumulative environmental effects. The estimated range of the aggregated activities and the estimated cost of the total project must be listed and described by the responsible entity in the environmental review and included in the RROF. The release of funds will cover the entire project period.

(2) When one or more of the conditions described in § 58.47 exists, the recipient or other responsible entity must re-evaluate the environmental review.

§ 58.33 Emergencies.

(a) In the cases of emergency, disaster or imminent threat to health and safety which warrant the taking of an action with significant environmental impact, the provisions of 40 CFR 1506.11 shall apply.

(b) If funds are needed on an emergency basis and adherence to separate comment periods would prevent the giving of assistance during a Presidentially declared disaster, or during a local emergency that has been declared by the chief elected official of the responsible entity who has proclaimed that there is an immediate need for public action to protect the public safety, the combined Notice of FONSI and Notice of Intent to Request Release of Funds (NOI/RROF) may be disseminated and/or published simultaneously with the submission of the RROF. The combined Notice of FONSI and NOI/RROF shall state that the funds are needed on an emergency basis due to a declared disaster and that the comment periods have been combined. The Notice shall also invite commenters to submit their comments to both HUD and the responsible entity issuing the notice to ensure that these comments will receive full consideration.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56129, Sept. 29, 2003]

§ 58.34 Exempt activities.

(a) Except for the applicable requirements of § 58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in § 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

(1) Environmental and other studies, resource identification and the development of plans and strategies;

(2) Information and financial services;

(3) Administrative and management activities;

(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care,

health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;

(5) Inspections and testing of properties for hazards or defects;

(6) Purchase of insurance;

(7) Purchase of tools;

(8) Engineering or design costs;

(9) Technical assistance and training;

(10) 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 including those resulting from physical deterioration;

(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;

(12) Any of the categorical exclusions listed in § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

(b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

§ 58.35 Categorical exclusions.

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see § 58.2(a)(3)) in which a normally excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in § 58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

(a) *Categorical exclusions subject to § 58.5.* The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in § 58.5:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;

(ii) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(iii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are

more than 2,000 feet apart and there are not more than four housing units on any one site.

(iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).

(5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

(6) Combinations of the above activities.

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

(1) Tenant-based rental assistance;

(2) 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;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under § 58.47.

(c) *Circumstances requiring NEPA review.* If a responsible entity determines that an activity or project identified in paragraph (a) or (b) of this section, because of extraordinary circumstances and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

(d) The Environmental Review Record (ERR) must contain a well organized written record of the process and determinations made under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15272, Mar. 30, 1998; 68 FR 56129, Sept. 29, 2003]

§ 58.36 Environmental assessments.

If a project is not exempt or categorically excluded under §§ 58.34 and 58.35, the responsible entity must prepare an EA in accordance with subpart E of this part. If it is evident without preparing an EA that an EIS is required under § 58.37, the responsible entity should proceed directly to an EIS.

health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;

(5) Inspections and testing of properties for hazards or defects;

(6) Purchase of insurance;

(7) Purchase of tools;

(8) Engineering or design costs;

(9) Technical assistance and training;

(10) 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 including those resulting from physical deterioration;

(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;

(12) Any of the categorical exclusions listed in § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

(b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

§ 58.35 Categorical exclusions.

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see § 58.2(a)(3)) in which a normally excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in § 58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

(a) *Categorical exclusions subject to § 58.5.* The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in § 58.5:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;

(ii) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(iii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are

(j) *Environmental justice.* Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56128, Sept. 29, 2003]

§58.6 Other requirements.

In addition to the duties under the laws and authorities specified in §58.5 for assumption by the responsible entity under the laws cited in §58.1(b), the responsible entity must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this part or preclude exemption of an activity under §58.34(a)(12) and/or the applicability of §58.35(b). However, the responsible entity remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under §58.34 or categorically excluded under §58.35(a) or (b).

(a)(1) Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001–4128), Federal financial assistance for acquisition and construction purposes (including rehabilitation) may not be used in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(i) The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards; and

(ii) Where the community is participating in the National Flood Insurance Program, flood insurance protection is to be obtained as a condition of the approval of financial assistance to the property owner.

(2) Where the community is participating in the National Flood Insurance Program and the recipient provides financial assistance for acquisition or construction purposes (including rehabilitation) for property located in an area identified by FEMA as having special flood hazards, the responsible entity is responsible for assuring that flood insurance under the National Flood Insurance Program is obtained and maintained.

(3) Paragraph (a) of this section does not apply to Federal formula grants made to a State.

(b) Under section 582 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 5154a, HUD disaster assistance that is made available in a special flood hazard area may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if:

(1) The person had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and

(2) The person failed to obtain and maintain flood insurance.

(c) Pursuant to the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources System.

(d) In all cases involving HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone, as defined in 24 CFR part 51, the responsible entity shall advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

Subpart B—General Policy: Responsibilities of Responsible Entities

§58.10 Basic environmental responsibility.

In accordance with the provisions of law cited in §58.1(b), except as otherwise provided in §58.4(c), the responsible entity must assume the environmental responsibilities for projects

and must consider the criteria, standards, policies and regulations of these laws and authorities.

(a) *Historic properties.* (1) The National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*), particularly sections 106 and 110 (16 U.S.C. 470 and 470h–2).

(2) Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971–1975 Comp., p. 559, particularly section 2(c).

(3) Federal historic preservation regulations as follows:

(i) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG); and

(ii) 36 CFR part 801 with respect to UDAG.

(4) The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*), particularly section 3 (16 U.S.C. 469a-1).

(b) *Floodplain management and wetland protection.* (1) Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 CFR part 55, particularly section 2(a) of the order (For an explanation of the relationship between the decision-making process in 24 CFR part 55 and this part, see § 55.10 of this subtitle A.)

(2) Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., p. 121, particularly sections 2 and 5.

(c) *Coastal Zone Management.* The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended, particularly section 307(c) and (d) (16 U.S.C. 1456(c) and (d)).

(d) *Sole source aquifers.* (1) The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 U.S.C. 300h–3(e)).

(2) Sole Source Aquifers (Environmental Protection Agency—40 CFR part 149).

(e) *Endangered species.* The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended, particularly section 7 (16 U.S.C. 1536).

(f) *Wild and scenic rivers.* The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended, particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)).

(g) *Air quality.* (1) The Clean Air Act (42 U.S.C. 7401 *et. seq.*) as amended; particularly section 176(c) and (d) (42 U.S.C. 7506(c) and (d)).

(2) Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency— 40 CFR parts 6, 51, and 93).

(h) *Farmlands protection.* (1) Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202).

(2) Farmland Protection Policy (Department of Agriculture—7 CFR part 658).

(i) *HUD environmental standards.* (1) Applicable criteria and standards specified in part 51 of this title, other than the runway clear zone notification requirement in § 51.303(a)(3).

(2)(i) Also, it is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

(ii) The environmental review of multifamily housing with five or more dwelling units (including leasing), or non-residential property, must include the evaluation of previous uses of the site or other evidence of contamination on or near the site, to ensure that the occupants of proposed sites are not adversely affected by any of the hazards listed in paragraph (i)(2)(i) of this section.

(iii) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.

(iv) The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary.

in the development process as a proposal or event becomes ripe for an Environment Assessment or Review.

(10) *Vacant Building* means a habitable structure that has been vacant for more than one year.

(b) The following abbreviations are used throughout this part:

(1) CDBG—Community Development Block Grant;

(2) CEQ—Council on Environmental Quality;

(3) EA—Environmental Assessment;

(4) EIS—Environmental Impact Statement;

(5) EPA—Environmental Protection Agency;

(6) ERR—Environmental Review Record;

(7) FONSI—Finding of No Significant Impact;

(8) HUD—Department of Housing and Urban Development;

(9) NAHA—Cranston-Gonzalez National Affordable Housing Act of 1990;

(10) NEPA—National Environmental Policy Act of 1969, as amended;

(11) NOI/EIS—Notice of Intent to Prepare an EIS;

(12) NOI/RROF—Notice of Intent to Request Release of Funds;

(13) ROD—Record of Decision;

(14) ROF—Release of Funds; and

(15) RROF—Request for Release of Funds.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56128, Sept. 29, 2003]

§58.4 Assumption authority.

(a) *Assumption authority for responsible entities: General.* Responsible entities shall assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in §58.5. Responsible entities that receive assistance directly from HUD assume these responsibilities by execution of a grant agreement with HUD and/or a legally binding document such as the certification contained on HUD Form 7015.15, certifying to the assumption of environmental responsibilities. When a State distributes funds to a responsible entity, the State must provide for appropriate procedures by which these responsible entities will evidence their assumption of environmental responsibilities.

(b) *Particular responsibilities of the States.* (1) States are recipients for purposes of directly undertaking a State project and must assume the environmental review responsibilities for the State's activities and those of any nongovernmental entity that may participate in the project. In this case, the State must submit the certification and RROF to HUD for approval.

(2) States must exercise HUD's responsibilities in accordance with §58.18, with respect to approval of a unit of local government's environmental certification and RROF for a HUD assisted project funded through the state. Approval by the state of a unit of local government's certification and RROF satisfies the Secretary's responsibilities under NEPA and the related laws cited in §58.5.

(c) *Particular responsibilities of Indian tribes.* An Indian tribe may, but is not required to, assume responsibilities for environmental review, decision-making and action for programs authorized by the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) (other than title VIII) or section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a). The tribe must make a separate decision regarding assumption of responsibilities for each of these Acts and communicate that decision in writing to HUD. If the tribe assumes these responsibilities, the requirements of this part shall apply. If a tribe formally declines assumption of these responsibilities, they are retained by HUD and the provisions of part 50 of this title apply.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56128, Sept. 29, 2003]

§58.5 Related Federal laws and authorities.

In accordance with the provisions of law cited in §58.1(b), the responsible entity must assume responsibilities for environmental review, decision-making and action that would apply to HUD under the following specified laws and authorities. The responsible entity must certify that it has complied with the requirements that would apply to HUD under these laws and authorities

(a) Notice of Finding of No Significant Impact (FONSI).	15 days when published or, if no publication, 18 days when mailing and posting
(b) Notice of Intent to Request Release of Funds (NOI-RROF).	7 days when published or, if no publication, 10 days when mailing and posting
(c) Concurrent or combined notices	15 days when published or, if no publication, 18 days when mailing and posting

[68 FR 56130, Sept. 29, 2003]

§ 58.46 Time delays for exceptional circumstances.

The responsible entity must make the FONSI available for public comments for 30 days before the recipient files the RROF when:

(a) There is a considerable interest or controversy concerning the project;

(b) The proposed project is similar to other projects that normally require the preparation of an EIS; or

(c) The project is unique and without precedent.

§ 58.47 Re-evaluation of environmental assessments and other environmental findings.

(a) A responsible entity must re-evaluate its environmental findings to determine if the original findings are still valid, when:

(1) The recipient proposes substantial changes in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project;

(2) There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued; or

(3) The recipient proposes the selection of an alternative not in the original finding.

(b)(1) If the original findings are still valid but the data or conditions upon which they were based have changed, the responsible entity must affirm the original findings and update its ERR by including this re-evaluation and its determination based on its findings. Under these circumstances, if a FONSI notice has already been published, no further publication of a FONSI notice is required.

(2) If the responsible entity determines that the original findings are no longer valid, it must prepare an EA or an EIS if its evaluation indicates potentially significant impacts.

(3) Where the recipient is not the responsible entity, the recipient must inform the responsible entity promptly of any proposed substantial changes under paragraph (a)(1) of this section, new circumstances or environmental conditions under paragraph (a)(2) of this section, or any proposals to select a different alternative under paragraph (a)(3) of this section, and must then permit the responsible entity to re-evaluate the findings before proceeding.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15272, Mar. 30, 1998]

Subpart F—Environmental Review Process: Environmental Impact Statement Determinations

§ 58.52 Adoption of other agencies' EISs.

The responsible entity may adopt a draft or final EIS prepared by another agency provided that the EIS was prepared in accordance with 40 CFR parts 1500 through 1508. If the responsible entity adopts an EIS prepared by another agency, the procedure in 40 CFR 1506.3 shall be followed. An adopted EIS may have to be revised and modified to adapt it to the particular environmental conditions and circumstances of the project if these are different from the project reviewed in the EIS. In such cases the responsible entity must prepare, circulate, and file a supplemental draft EIS in the manner prescribed in § 58.60(d) and otherwise comply with the clearance and time requirements of the EIS process, except

Subpart E—Environmental Review Process: Environmental Assessments (EA's)

§ 58.40 Preparing the environmental assessment.

The responsible entity may prepare the EA using the HUD recommended format. In preparing an EA for a particular project, the responsible entity must:

(a) Determine existing conditions and describe the character, features and resources of the project area and its surroundings; identify the trends that are likely to continue in the absence of the project.

(b) Identify all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project.

(c) Identify, analyze and evaluate all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under related laws and authorities cited in § 58.5 and § 58.6.

(d) Examine and recommend feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts.

(e) Examine alternatives to the project itself, if appropriate, including the alternative of no action.

(f) Complete all environmental review requirements necessary for the project's compliance with applicable authorities cited in §§ 58.5 and 58.6.

(g) Based on steps set forth in paragraph (a) through (f) of this section, make one of the following findings:

(1) A Finding of No Significant Impact (FONSI), in which the responsible entity determines that the project is not an action that will result in a significant impact on the quality of the human environment. The responsible entity may then proceed to § 58.43.

(2) A finding of significant impact, in which the project is deemed to be an action which may significantly affect the quality of the human environment. The responsible entity must then proceed with its environmental review under subpart F or G of this part.

§ 58.43 Dissemination and/or publication of the findings of no significant impact.

(a) If the responsible entity makes a finding of no significant impact, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. As a minimum, the responsible entity must send the FONSI notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The responsible entity may also publish the FONSI notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process.

(b) The responsible entity may disseminate or publish a FONSI notice at the same time it disseminates or publishes the NOI/RROF required by § 58.70. If the notices are released as a combined notice, the combined notice shall:

(1) Clearly indicate that it is intended to meet two separate procedural requirements; and

(2) Advise the public to specify in their comments which "notice" their comments address.

(c) The responsible entity must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. If funds will be used in Presidentially declared disaster areas, modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds.

§ 58.45 Public comment periods.

Required notices must afford the public the following minimum comment periods, counted in accordance with § 58.21:

AVISO E INTENCIÓN DE SOLICITAR LIBERACIÓN DE FONDOS A TODAS LAS AGENCIAS, GRUPOS Y PERSONAS INTERESADAS

El Municipio de solicitará a la Oficina del Comisionado de Asuntos Municipales (OCAM), dentro de los próximos siete (7) días calendarios que libere los fondos federales, conforme al Programa de Asignaciones en Bloque a los Estados del Título I de la Ley Vivienda y Desarrollo Comunal de 1974, según enmendada, para el siguiente proyecto.

El mismo ha sido considerado categóricamente excluido de cumplir con los requerimientos de la Ley de Política Publica Ambiental Nacional (NEPA), expuesto en la Parte 58 del Título 24 del Código de Reglas Federales.

El Municipio ha preparado un Registro de Evaluación Ambiental ("Environmental Review Record") el cual documenta la evaluación del proyecto. Este registro contiene la evaluación del impacto del proyecto sobre recursos culturales, históricos y medio ambiente. Dicho documento esta disponible para ser examinado por el público interesado, entre las 8:30 a.m. y 4:00 p.m. en la siguiente dirección:

Municipio de
Oficina de Programas Federales
, Puerto Rico

El Municipio esta certificando a la Oficina del Comisionado de Asuntos Municipales que el Municipio y el Hon. en su capacidad oficial como Alcalde, consienten en aceptar la jurisdicción de las cortes federales en caso de iniciarse una acción para hacer cumplir las responsabilidades respecto a evaluaciones, decisiones y acciones ambientales vinculadas directamente con el proyecto. El efecto legal de la certificación es que al esta ser aprobada por la OCAM, el municipio podrá usar los fondos del Programa de Asignaciones en Bloque al Estado y la OCAM habrá satisfecho sus responsabilidades conforme a la Ley Nacional de Política Ambiental de 1969.

Cualquier persona o agencia podrá objetar la solicitud para la liberación de fondos y la certificación sometida a la OCAM por el Municipio de . Las objeciones deberán ser enviadas a la siguiente dirección:

Oficina del Comisionado de Asuntos Municipales
PO Box 70167
San Juan, Puerto Rico 00936

Las Objeciones deben cumplir con las condiciones y procedimientos expuestos en la Sub-parte "H" de la Parte 58 del Título 24 del Código de Reglas Federales. OCAM considerará objeciones sólo si las mismas están basadas en cualquiera de los fundamentos expuestos en las Secciones 58.75 y 58.76 de la referida Sub-parte "H". Todas las objeciones deberán ser recibidas por la Oficina del Comisionado de Asuntos Municipales dentro de un periodo de 15 días contados a partir de la fecha cuando OCAM reciba del Municipio la solicitud para la liberación de fondos y la certificación correspondiente.

Hon._____
Alcalde

(j) *Environmental justice.* Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

[61 FR 19122, Apr. 30, 1996, as amended at 68 FR 56128, Sept. 29, 2003]

§58.6 Other requirements.

In addition to the duties under the laws and authorities specified in §58.5 for assumption by the responsible entity under the laws cited in §58.1(b), the responsible entity must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this part or preclude exemption of an activity under §58.34(a)(12) and/or the applicability of §58.35(b). However, the responsible entity remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under §58.34 or categorically excluded under §58.35(a) or (b).

(a)(1) Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128), Federal financial assistance for acquisition and construction purposes (including rehabilitation) may not be used in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(i) The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards; and

(ii) Where the community is participating in the National Flood Insurance Program, flood insurance protection is to be obtained as a condition of the approval of financial assistance to the property owner.

(2) Where the community is participating in the National Flood Insurance Program and the recipient provides financial assistance for acquisition or construction purposes (including rehabilitation) for property located in an area identified by FEMA as having special flood hazards, the responsible entity is responsible for assuring that flood insurance under the National Flood Insurance Program is obtained and maintained.

(3) Paragraph (a) of this section does not apply to Federal formula grants made to a State.

(b) Under section 582 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 5154a, HUD disaster assistance that is made available in a special flood hazard area may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement or restoration for flood damage to any personal, residential or commercial property if:

(1) The person had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and

(2) The person failed to obtain and maintain flood insurance.

(c) Pursuant to the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources System.

(d) In all cases involving HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone, as defined in 24 CFR part 51, the responsible entity shall advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

Subpart B—General Policy: Responsibilities of Responsible Entities

§58.10 Basic environmental responsibility.

In accordance with the provisions of law cited in §58.1(b), except as otherwise provided in §58.4(c), the responsible entity must assume the environmental responsibilities for projects

AVISO SOBBRE EFECTO AMBIENTAL NO SIGNIFICATIVO
A TODAS LAS AGENCIAS, GRUPOS Y PERSONAS INTERESADAS

El Municipio solicitará a la Oficina del Comisionado de Asuntos Municipales (OCAM), la liberación de los fondos federales asignados al Gobierno de Puerto Rico conforme al Programa de Asignaciones en Bloque a los Estados del Título I de la Ley Vivienda y Desarrollo Comunal de 1974, según enmendada, para el siguiente proyecto.

El Municipio ha determinado que las actividades que conlleva este proyecto no constituyen una acción significativa que amanece la calidad humana o pueda afectar los recursos culturales, históricos o el medio ambiente según las reglamentaciones de la Ley de Política Pública Ambiental Nacional (NEPA) expuesta en la Parte 58 del Código de Reglas Federales. Las actividades no tienen el tamaño, la escala o la intensidad suficiente para requerir la preparación de una Declaración de Impacto Ambiental. La determinación se hizo después de preparar una Evaluación Ambiental, de acuerdo con la reglamentación federal estipulada en la Parte 58 del Título 24 del Código de Reglas Federales.

Un Registro de Evaluación Ambiental ("Environmental Review Record") ha sido preparado por el Municipio el cual documenta la evaluación de las actividades. Aunque no se contempla realizar Estudios Ambientales adicionales después de liberados los fondos, el Municipio velará por que se cumplan con los estatutos y reglamentos requeridos dentro del Proceso de Revisión Ambiental, expuesto en la Parte 58 del Código de Reglas Federales. El registro contiene la evaluación del impacto del proyecto sobre recursos culturales, históricos y medio ambiente. Dicho documento estará disponible para ser examinado por el público interesado, entre las 8:30 a.m. y 4:00 p.m. en la siguiente dirección:

Municipio de
Oficina de Programas Federales
, Puerto Rico

El Municipio, recibirá y tomará en consideración cualquier comentario o recomendación de cualquier agencia, grupo o personas interesadas en relación con el proyecto arriba indicado o cualesquiera secciones de este Aviso, sometidas por escrito y no más tarde de quince (15) días calendarios después de la fecha de publicación de este Aviso.

Una vez transcurridos los quince días, el Municipio someterá a la Oficina de Comisionado de Asuntos Municipales (OCAM) la certificación y Solicitud de Liberación de Fondos correspondientes.

El Municipio certificará a la Oficina del Comisionado de Asuntos Municipales que el Municipio y el Hon. en su capacidad oficial como Alcalde, consienten en aceptar la jurisdicción de las cortes federales en caso de iniciarse una acción para hacer cumplir las responsabilidades respecto a evaluaciones, decisiones y acciones ambientales vinculadas directamente con el proyecto. El efecto legal de la certificación es que al esta ser aprobada por la OCAM, el municipio podrá usar fondos del Programa

de Asignaciones en Bloque al Estado y la OCAM habrá satisfecho sus responsabilidades conforme a la Ley Nacional de Política Ambiental de 1969.

Cualquier persona o agencia podrá objetar la solicitud para la liberación de fondos y la certificación sometida a la OCAM por el Municipio de . Las objeciones deberán ser enviadas a la siguiente dirección:

Oficina del Comisionado de Asuntos Municipales
PO Box 70167
San Juan, Puerto Rico 00936

Las Objeciones deben cumplir con las condiciones y procedimientos expuestos en la Sub-parte "H" de la Parte 58 del Título 24 del Código de Reglas Federales. OCAM considerará objeciones sólo si las mismas están basadas en cualquier de los fundamentos expuestos en las Secciones 58.75 y 58.76 de la referida Sub-parte "H". Todas las objeciones deberán ser recibidas por la Oficina del Comisionado de Asuntos Municipales dentro de un periodo de 15 días contados a partir de la fecha cuando OCAM reciba del Municipio la solicitud para la liberación de fondos y la certificación correspondiente.

Hon._____
Alcalde

ANEJO 1

Fecha:_____

Lic. Ángel M. Castillo Rodríguez
Comisionado
Oficina del Comisionado de Asuntos Federales
PO Box _____
San Juan, Puerto Rico 00918-0903

Estimado licenciado Castillo:

Adjunto la Certificación y Solicitud de Libramiento de Fondos debidamente cumplimentada y firmada para el proyecto _____ de la AB, FC, FE del Año _____ en cumplimiento de 24 CFR Parte 58 titulada: Procedimientos de Revisión Ambiental para las Entidades que Ejercen las Responsabilidades de Revisión Ambiental del Programa CDBG del Estado.

Se aneja también copia del Aviso de Solicitud de Libramiento o (Combinado de Determinación de Impacto No-Significativo del Ambiente/Solicitud de Libramiento de Fondos) el cual fue publicado el día ____ de _____ de 200__ en el periódico _____.

Sobre este aviso no se recibieron comentario alguno.

Sobre este aviso se recibieron los comentarios y respuesta que se anejan a esta comunicación.

Cualquier pregunta al respecto se puede comunicar con este servidor a su major conveniencia.

Cordialmente,

_____
Alcalde

Anejos

ANEJO 2

CERTIFICACIÓN

Yo, _____, Alcalde de _____, certifico que mi Administración completó el proceso de revisión ambiental del proyecto: _____, haciéndose una determinación de:

☐ 24 CFR 58.35 Categóricamente excluida, o
☐ 24 CFR 85.36 Impacto No Significativo al Ambiente

para el cual se tomaron en cuenta las siguientes medidas de mitigación:

1. _____
2. _____
3. _____
4. _____

Y a estos efectos se publicó el día ____ de _____ de _____ el Aviso de:

☐ Solicitud de Libramiento de Fondos o
☐ Aviso combinado de Determinación de Impacto No-significativo al Ambiente /Solicitud de Libramiento de Fondos

Transcurridos los ☐ 7 ☐ 15 días correspondientes no se recibieron comentarios del público.

Transcurridos los ☐ 7 ☐ 15 días correspondientes se recibieron los siguientes comentarios del público:

1. _____
2. _____
3. _____
4. _____

Y a estos efectos estoy solicitando de la Oficina del Comisionado de Asuntos Municipales la Autorización para Utilizar los Fondos signados al Municipio de Cayey del Año Programa ____ de:

☐ Asignación Básica
☐ Fondo Competitivo
☐ Fondo de Emergencia

A estos efectos y bajo las penalidades de perjurio, y aceptando la jurisdicción del Tribunal de Distrito de los Estados Unidos, firmo la presente certificación, hoy ___ de _____ de 200__.

_____

Alcalde

ANEJO 3

Copia del Aviso de Impacto No-Significativo al Ambiente y copia del Aviso de Solicitud de Intención de Libramiento de Fondos, ambos de forma individual o combinado según sea el caso.

Se utilizará cualquiera de los modelos presentados en los Exhibits 10 ó 12.

Ver Exhibit 10 ó 12, según corresponga.

Anejo 4

Forma HUD-7015.15 debidamente cumplimentada y firmada. Las instrucciones para cumplimentar esta forma están en el Exhibit 3.