



U. S. Department of Housing and Urban Development

Knoxville Field Office, Region IV
John J. Duncan Federal Building
710 Locust Street, Suite 300
Knoxville, Tennessee 37902-2526

February 4, 2020

Dear Interested Parties:

SUBJECT: Objections to Request for Release of Funds National Disaster Resilience Grant
Proposed Project: South Cypress Creek, Memphis TN

On November 1, 2019, Knoxville's Housing Urban and Development (HUD) Field Office for Community Planning and Development (CPD) received from Shelby County, TN, acting as the Responsible Entity (hereafter, "the RE" or simply "RE") pursuant to 24 CFR Part 58, a completed HUD-7015.15 Request for Release Of Funds (RROF) for the proposed project noted above. Subsequently, HUD received numerous objections to approval of the RROF. These same objections were previously submitted to the RE as comments during the public comment period. This letter addresses HUD's review of the objections within the context of the permissible bases for objection to the release of funds, as codified at 24 CFR §58.75.

In accordance with 24 CFR Part 58.4(a), the RE assumes 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." HUD assumes the validity of the certification of the Environmental Review Record (ERR) and the RROF and approves it unless it has knowledge that the RE or other participants in the development process have not complied with the items in §58.75, or that the RROF and certification are inaccurate (see §58.72 (a) and (b)). By regulation, HUD considers objections claiming an RE's noncompliance with 24 CFR Part 58 based only on the grounds listed in §58.75.

24 CFR §58.75 lists six (6) categories of deficiencies associated with performing or documenting Part 58 environmental reviews that constitute grounds for denying an RROF. They are:

- §58.75(a) The certification was not in fact executed by the responsible entity's Certifying Officer*
- §58.75(b) The responsible entity has failed to make one of the two findings pursuant to §58.40 or to make the written determination required by §§58.35, 58.47, or 58.53 for the project, as applicable*
- §58.75(c) The responsible entity has omitted one or more of the steps set forth at subpart E of this part for the preparation, publication and completion of an Environmental Assessment.*
- §58.75(d) The responsible entity has omitted one or more of the steps set forth at subparts F and G of this part for the conduct, preparation, publication and completion of an EIS.*

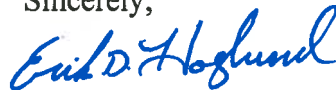
§58.75(e) The recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by this part before release of funds and approval of the environmental certification by HUD.

§58.75(f) Another Federal agency action pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Along with objections submitted to HUD, the RE's responses were also considered to the extent that information contained therein could inform HUD's review. The RE's response (copy attached) was mailed to objecting parties who provided addresses and is also posted on a publicly available website (link: http://resilientshelby.com/wp-content/uploads/2019/10/SC_South-Cypress-Creek_FONSI_Response_Oct.2019.pdf).

After considering the objections that HUD received, and the responses the RE provided to the comments it received during the public comment period, HUD finds no basis for concluding that the RE failed to comply with relevant requirements of the regulations listed above. Therefore, HUD does not have the basis for disapproving the RROF. If you have further questions or concerns, please contact Telly O'Neil, CPD Representative, at (865) 474-8247.

Sincerely,



Erik Hoglund, Director
Office of Community Planning
And Development

CC:

Chuck Melton, HUD Field Environmental Officer for Tennessee
Martha A Curran, HUD Regional Environmental Officer for Region IV

Attachments: RE's public response
Objecting parties address list