

This appendix provides direction to Grantees on how to complete the Environmental Review process for CDBG-assisted projects. The following items are covered:

- Definitions;
- Environmental Review Process Overview;
- Project Categories;
- Exempt Projects;
- Categorically Excluded Projects, including Broad-Level Tiered Projects;
- Environmental Assessment Projects;
- Projects Requiring an Environmental Impact Statement; and
- Environmental Review Record.

**All Environmental Review requirements must be satisfied before a CDBG Grant Agreement will be issued and any construction can occur.**

## Introduction

All projects funded under CDBG guidelines must adhere to the requirements of the National Environmental Policy Act of 1969 and related acts, as amended, including the National Historic Preservation Act of 1966. Toward that end, close attention should be given to the definitions related to levels of clearance. When in doubt, Grantees are advised to undertake an Environmental Assessment rather than assume a project may be Categorically Excluded. Consultation with DHCD concerning such matters is mandatory.

## Definitions

- A. ***Environmental Review Process*** Procedure by which the Grantee acts to comply with all of the appropriate provisions of applicable environmental regulations and legislation relative to project activities and their effects on the environment.
- B. ***Responsible Entity*** The unit of local government under contract to DHCD for CDBG funds. The RE assumes environmental responsibility for HUD and DHCD under the National Environmental Policy Act and executes the environmental review.

- C. ***Certifying Officer*** The official who is authorized to sign and assume legal responsibility for the RROF and the environmental review certification and has the legal capacity to act as Responsible Federal Official under NEPA.
- D. ***Environmental Review Record (ERR)*** A written document describing all of the necessary steps in the environmental review process. If the ERR of another agency is accepted by DHCD, it must be adopted by the local governing body during the pre-contract activities period. The ERR is a public document, which must be accessible to citizens. It is compiled and maintained as part of the official files. The ERR must be revised if there are any substantial changes in the project's scope, any changes in the environmental conditions or with the selection of any new alternates. **The ERR is relevant for five years.**
- E. ***Environmental Assessment (EA)*** A written document describing the grant activities, the environmental conditions relating to the activities, and weighing the impact of the activities on the environment. The document is used to determine the level of impact and level of clearance finding relative to the project activities. This becomes part of the ERR. Most CDBG projects require one.
- F. ***Environmental Impact Statement (EIS)*** This is a self contained document, following prescribed guidelines, with sufficient detail to fully inform readers of all the possible environmental impacts of the project. It is required under any of six circumstances specifically listed in 24 CFR 58.37. This becomes part of the ERR.
- G. ***Level of Clearance Finding*** This is a determination which is made based upon a completed Environmental Assessment. There are two types of findings: 1) A determination that the project IS NOT A MAJOR FEDERAL ACTION and does not significantly affect the quality of the human environment (Finding of No Significant Impact/FONSI), whereby the Request for Release of Funds does not require an Environmental Impact Statement (EIS); or 2) A determination that the project IS A MAJOR FEDERAL ACTION which may significantly affect the quality of the human environment, in which case an EIS will be required for the Request for Release of Funds. This becomes part of the ERR.
- H. ***Finding of No Significant Impact (FONSI)*** This is one of the two possible levels of clearance findings. It is also a published notice to the public and part of the ERR.
- I. ***Notice of Intent to Request Release of Funds (NOI-RROF)*** This is a published notice to the public which indicates that the Grantee intends to ask the Virginia Department of Housing and Community Development (DHCD) to release the grant funds for the project. This becomes part of the ERR. If for any reason the public comment period dates must be modified, a revised NOI-RROF must be published.

- J. ***Request for Release of Funds & Certification (RROF & C)*** Along with proof of publication, this two-page form is sent by the Grantee to the Virginia Department of Housing and Community Development, certifying that the Grantee has carried out its environmental review and decision-making responsibilities under NEPA and requesting that the State release the grant money. This becomes part of the ERR.

## **Environmental Review Process Overview**

Because CDBG projects are federally funded, Grantees must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969. Completing the Environmental Review and creating the Environmental Review Record (ERR) are pre-contract requirements. Project funds (other than those previously approved for administrative or environmental review costs) must not be obligated or expended prior to the completion of the environmental review process.

It is the Responsible Entity's task to conduct research, determine how the proposed project may impact the environment, and to share their findings with state and federal resource agencies that have a common interest in the project.

In many instances the proposed project will not have significant impact on the environment provided that certain mitigating measures are taken. Those mitigating measures need to be noted in the ERR and conveyed to the appropriate parties that will assure that those measures are taken.

The material presented in this chapter is modeled after 24 CFR Part 58 "Environmental Review Procedures for the Community Development Block Grant Programs," as amended; these regulations fulfill HUD's responsibility under NEPA and its own implementing regulations.

For most CDBG projects, the Environmental Review process involves three basic activities:

1. Determining the "category" of the CDBG project in the context of the Environmental Review process;
2. Making the appropriate state and federal agencies aware of the project and allowing agencies to offer comment, as necessary, and;
3. Informing the public of the project and allowing the public the opportunity to review project information and provide comment.

The extent to which these steps are followed depends on the nature, scope and location of the project.

# Project Categories

The Environmental Review process depends on the “category” that applies to your project. Activities and projects undertaken with CDBG funds are categorized into four (4) areas for purposes of Environmental Review. These categories are:

- ***Exempt*** – Exempt activities are those activities for which there is a limited environmental review requirement. They are exempt from the environmental requirements of NEPA and related Federal authorities (laws, Executive Orders and regulations). Exempt projects are those with activities that involve no construction or disturbance of the earth.
- ***Categorically Excluded*** – Categorically Excluded projects are those where construction involves only replacement or renovation of existing facilities or structures and no disturbance to the previously undisturbed natural or built environment.
- ***Environmental Assessment*** – A project that will involve new construction or significant expansion of existing facilities in which existing facilities or structures will be altered or the natural or cultural environment will be disturbed. An Environmental Assessment is performed to determine whether the project will have a significant impact on the environment. Most CDBG projects require an Environmental Assessment.
- ***Environmental Impact Statement (EIS)*** – New construction or disturbance of the natural or built environment that will have a significant impact on the environment. If an EIS is needed, DHCD must be contacted immediately!

While some activities within a project may be administrative in nature and considered to be **Exempt** and others might be considered to be **Categorically Excluded** such as replacement of an existing sidewalk, if any of the activities within the project will involve an **Environmental Assessment** or **EIS**, then the procedures for an **Environmental Assessment** or **EIS** must be followed. Once you determine the project’s category, please read all associated information before beginning the documentation process. Any questions should be promptly referred to your Community Development Specialist.

✱ **When in doubt, complete an Environmental Assessment!**

## EXEMPT PROJECTS

The following activities are Exempt projects:

- Administration;
- Environmental studies and assessments;

- Approved, eligible engineering and design functions;
- Surveys;
- Microenterprise assistance;
- Training and educational programs;
- Surveys;
- Certain planning and technical assistance;
- Title I loan payments; and
- Categorically Excluded activities which require no compliance with any of the other federal laws or authorities.

If the project qualifies as **EXEMPT** based on the list shown above, take the following steps:

1. Complete Part I of the ERR as found at Appendix 2.A;
2. Complete the “Certification of Exemption” as found at Appendix 2.B and include in the ERR; and
3. Transmit a copy of the “Certification of Exemption” to your Community Development Specialist and upload a copy into CAMS.

Projects that consist solely of **EXEMPT** activities do not require the preparation of an Environmental Assessment or consultation with other agencies. No other actions under NEPA are required.

## Categorically Excluded Projects

In many instances, a project may be considered **Categorically Excluded** when construction involves only the replacement or renovation of existing facilities or structures and there will be no disturbance to the previously undisturbed natural or built environment. This determination should be made in consultation with DHCD and DHR.

The following activities may be Categorically Excluded:

- Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements eligible under the State program subject to the following limitations:
  - o The public facilities and improvements to be acquired for continued use are in place and will be retained in the same use;

- o The facilities or improvements replace or upgrade existing public facilities or improvements with only minimal change in use, size, capacity or location; and
- o The facilities and improvements are consistent with the use of the site and will not change the use, size, capacity or character of the site.
- Special projects directed toward the removal of material and architectural barriers;
- Acquisition and/or rehabilitation of buildings and improvements, subject to the following limitations:
  - o Unit density is not increased more than 20 percent (20%);
  - o The project does not include changes in land use from residential to non-residential, or from non-residential to residential, or from one class or residential to another; and
  - o The estimated cost of rehabilitation is less than 75% of the total cost of replacement.
- Combinations of the above activities.

If the project qualifies as **Categorically Excluded** based on the list shown above, take the following steps:

1. Complete Part I of the ERR, and statutory checklist as found at Appendix 2.A;
2. Complete the determination of “Categorical Exclusion (subject to 58.5)” as found at Appendix 2.Ba and include in the ERR; and
3. Mail a copy of the signed determination of “Categorical Exclusion (subject to 58.5)” to your Community Development Specialist and upload a copy into CAMS.

### ***Broad-Level Tiered Environmental Review***

The Broad-Level Tiered Environmental Review, found at Appendix 2Q, is conducted on projects requiring a Programmatic Agreement or Memorandum of Agreement with the Department of Historic Resources or other state or federal agencies who will require additional information once the final design of a project is complete. Projects that require clearance of the final written specifications on a structure by structure basis are conducive to the tiered approach. The most common projects to use the broad-level tiered review are for the rehabilitation of housing and/or façade improvements.

The intent of the tiering concept is to encourage elimination of repetitive discussions and to focus on the actual issues ready for decisions at each level of environmental review.

Tiering expedites the resolution of big-picture issues so that subsequent studies can focus on project-specific impacts and issues. Those big-picture issues and analyses do not have to be repeated in subsequent tiered environmental reviews, but can simply be referenced from the programmatic document. Tiering also allows environmental analyses for each Tier 2 project to be conducted closer in time to the actual construction phase, or as funds become available for construction.

Tiering expands the opportunities for public and agency input by breaking the environmental analyses into two levels. Individuals with an interest in the overarching big-picture questions have had an opportunity to participate at the programmatic level (Tier 1), and those who are interested in localized impact and mitigation issues can focus their efforts on the current specific project-level (Tier 2) project or projects.

In addition to determining whether the project is categorically excluded, the Grantee must determine whether it is in a floodplain or wetland area, has consulted appropriately with Virginia Department of Historic Resources in accordance with Section 106, and is subject to requirements of other regulations and agencies. Certain specific procedures apply and are outlined below:

If the project qualifies as **Broad-Level Tiered** based on the description above, take the following steps:

1. Complete Part I of the ERR, and statutory checklist as found at Appendix 2.A;
2. Complete the “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to 58.5, Pursuant to 24 CFR Part 58.35(a)” as found at Appendix 2.Q and include in the ERR; and
3. Mail a copy of the signed “Broad-Level Tiered Environmental Review” determination page to your Community Development Specialist and upload a copy into CAMS.

### ***Floodplains and Wetlands***

Participation in the CDBG program requires compliance with Executive Order 11988, “Floodplain Management,” and Executive Order 11990, “Protection of Wetlands.” These require that consideration be given to natural and beneficial floodplain values and to the public benefit to be derived from their restoration or preservation. They also set forth actions to reduce the risk of flood losses through floodplain management. The Floodplains Management Guidelines, summarized herein, frequently apply to wetlands, as well, since most of Virginia’s wetlands are included in floodplains.



It is important to determine very early in the environmental review process whether or not your project is located in a flood plain or wetlands because there are additional publications and comment periods which are applicable.

## ***Definitions***

- A. FLOODPLAIN - The low and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum that area subject to a 1% or greater chance of flooding in any given year; any land area susceptible to inundation by water from any source.
- B. FLOODWAY - That portion of the flood hazard area required to store, convey, and discharge the peak flood flow of the regulatory flood. The floodway shall include the floodway as shown on the flood insurance rate map prepared under the National Flood Insurance Program by the Federal Emergency Management Agency.
- C. BASE FLOOD / ONE HUNDRED YEAR FLOOD – A flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- D. WETLANDS - Those areas that are inundated by surface or groundwater with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.
- E. STRUCTURE - A walled or roofed building, including mobile homes and gas or liquid storage tanks that are primarily above ground.
- F. FACILITY - Any man-made or man-placed item other than a structure.
- G. ACTION - An activity providing federally undertaken, financed or assisted construction and improvements; or conducting such activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

## ***Floodplains Management Guidelines***

If the project is in a floodplain or wetland, use the process outlined in Appendix 2H, which incorporates the 8-step process as required by the U. S. Water Resource Council's Floodplain Management Guidelines:

If a project receiving CDBG funding is located in a floodplain, appropriate mitigating measures must be taken. For structures, flood insurance is required and **MUST** be maintained by the building owner so long as the structure remains.

## ***Section 106 Review***

Section 106 of the [National Historic Preservation Act of 1966 \(NHPA\)](#) requires grantees to take into account the effects of their undertakings on historic properties. Grantees must prepare project information for the State Historic Preservation Officer, and Tribal



Historic Preservation Officers, and consult with these representatives during the determination of project impact.

⌚ Projects impacting properties that are listed in or eligible for the National Register require consultation with Indian tribes that may attach religious and cultural significance to a property when the Grantee carries out the identification and National Register evaluation of potential historic properties. Projects that do not involve properties on or eligible for the National Register may still impact properties of religious and cultural significance to Tribes, and a reasonable and good faith effort must be made to allow them time for comment. Grantees should submit project information to the Virginia Council on Indians (VCI) for any project when sending initial resource agency letters. (See Appendix 2.C for the contact information for VCI and resource information for identifying Federally recognized Tribes that may attach traditional religious and cultural importance to properties in your locality.).

⌚ As soon as the Grantee has determined that it intends to pursue a construction project, it needs to contact the Virginia Department of Historic Resources (DHR) immediately to advise them of the project. It is recommended that this contact be done via written mail or electronic mail at [Laura.Lavernia@dhr.virginia.gov](mailto:Laura.Lavernia@dhr.virginia.gov) . DHR will assign a project number for its review purposes and this DHR project number must be referenced at all times when the Grantee is discussing its projects with DHR.

Upon receipt of a *completed Project Review Application* from the Grantee, DHR's role is to provide written comments to the Grantee, concurring with the finding of no adverse affect or recommending mitigation due to adverse affect of potentially historic properties. A completed project application consists of the following:

1. DHR Project Review Application Form (Appendix 2.J) correctly completed;
2. USGS 7.5 minute topographic map with the project area clearly marked;
3. Results of a completed archive search, including all maps and site documentation (if no resources were found during the search, this should be noted). Search can be done in person, by remote access through the Data Sharing System, or by DHR for a nominal fee (Appendix 2.K);
4. Photographs of the project area and surrounding area;
5. Detailed project description, including:
  - a. Precise location of proposed construction;
  - b. Horizontal and vertical dimensions of any above-ground structures; and
  - c. Existing land-use and disturbances within the project area.

6. Photographs of all structures believed to be 50+ years old or known to be of historical significance:
  - a. Key the photographs to structures denoted on a corresponding map; and
  - b. The Responsible Entity must recommend properties they determine may be eligible for listing on the National Register based on one or more of the applicable National Register criteria denoted below:
    - i) Structures that are associated with events that have made a significant contribution to the broad patterns of our history; or
    - ii) Structures that are associated with the lives of persons significant in our past; or
    - iii) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
    - iv) That have yielded or may be likely to yield information important in prehistory or history.

If DHR concurs that the proposed project will not have an adverse effect on historic properties, the Grantee may proceed without further consultation with DHR. If DHR deems that the proposed project will have an adverse impact on potential historic properties, then the Grantee must enter into either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) with DHR. Once either of the applicable agreements has been executed, the Grantee may proceed pursuant to the measures set forth in the respective MOA or PA. The Grantee must receive written concurrence from DHR that consists of one of the following: 1) a letter stating that no historic properties will be affected; 2) an executed Programmatic Agreement between the Grantee and DHR; or 3) an executed Memorandum of Agreement between the Grantee and DHR regarding mitigating measures that will be implemented.

Once received, Grantee may:

1. Publish or post a Notice of Intent to Request the Release of Funds (NOI-RROF) (Appendix 2.F). Disseminate the NOI-RROF to: Local news media, EPA-Philadelphia, DHCD, Appropriate Tribal, State and Federal agencies (if applicable, project specific), Other individuals or groups know to be interested in the project (if applicable, project specific). Wait 7 days, counting “day 1” as the day after the Notice is published before moving forward with the project. **(If additional publications are required for other purposes, i.e. the FONSI, the Notices may run concurrently. Note that longer waiting periods may be required.);**

2. Send RROF & C Form (Appendix 2.G) to DHCD allowing three (3) days for mailing;
3. Place proof of dissemination and publication in the Environmental Review Record;
4. Upon DHCD's receipt of the Request, 15-day comment period begins; and
5. Comment period ends and the Environmental Review requirements are complete.

See Appendices 2.I, 2.J, 2.K, and 2.L for more details.

### ***Other State or Federal Requirements***

Grantees must determine if the project requires compliance with any state or federal statute other than or in addition to Floodplains and Wetlands requirements or DHR requirements. By completing the statutory checklist found in Part 1 of the ERR (Appendix 2.A), the Grantee identifies if there is a need for coordination, consultation, permits or reviews. Refer to the Compliance Thresholds identified. If it is determined that notifications, consultations or publications are required, complete those actions according to the jurisdictional agency's instructions and then:

1. Transmit project-related information;
2. Allow an adequate number of days for comment and 3 days of mailing time, if sent U.S. Postal Service. Follow up with resource agencies after 30 days to ensure that there will be no comments;
3. Publish or post a Notice of Intent to Request Release of Funds (Appendix 2.F). Disseminate the NOI-RROF to Local news media, EPA - Philadelphia, DHCD, appropriate Tribal, State and Federal agencies (if applicable, project specific), Other individuals or groups known to be interested in the project (if applicable, project specific). Wait 7 days, counting "day 1" as the day after the Notice is published before moving forward with the project. **(If additional publications are required for other purposes, i.e. the FONSI, the Notices may run concurrently. Note that longer waiting periods may be required.)**
4. Send the Request for the Release of Funds and Certification Form (RROF & C) (Appendix 2.G) to DHCD, allowing three (3) days for mailing and upload a copy into CAMS;
5. Place proof of dissemination publication in the Environmental Review Record;
6. Upon DHCD's receipt of the Request, 15-day comment period begins; and
7. Comment period ends and the Environmental Review requirements are complete.

If it is determined that the project is not in a floodplain or wetland, is not subject to the purview of DHR, and is not covered by other requirements, the project may convert to an Exempt status.

## Environmental Assessment Projects

An Environmental Assessment (EA) is required for projects where new construction will take place and it has been determined that the project is not Categorically Excluded. Please note that if other funding agencies have required an environmental review of this project, DHCD will generally accept that review. If the grantee wishes to use this process, please contact your Community Development Specialist immediately, and note that a Notice of Intent to Request Release of Funds identifying DHCD as the funding agency must be published.



Contact your Community Development Specialist for an electronic copy of the Environmental Review Record (format file).

### *Requirements for Environmental Assessments*

If the project is not exempt or categorically excluded, an environmental assessment must be prepared. The Grantee must determine whether the project is in a Floodplains/Wetlands area and move forward accordingly. Likewise, the Grantee must consult with the Department of Historic Resources and provide information to other entities and allow an adequate response time. Please see floodplain and wetlands and DHR information listed previously under “Requirements for Categorically Excluded Projects” for guidance. Additionally, the Statutory Checklist and the Environmental Assessment Checklist in the ERR (Appendix 2.A, Part 1 and Part 2) must be completed. This allows the Grantee to determine any environmental effects of the project.

Examine the identified effects to determine whether the project could be modified to eliminate or minimize any adverse impacts. Occasionally, further review of proposed activities by engineers or staff will reveal an alternative course of action which may have fewer negative effects yet meet project goals. All such alternatives should be considered as a component of the Environmental Assessment.

As the final step in the Assessment, determine the “Level of Clearance” Finding.

Based upon the completed Environmental Assessment, a determination must be made regarding whether the project **is** or **is not** a **major federal action**, which will “significantly affect the quality of the human environment.”

If the project is determined to be a major federal action, which will “significantly affect the quality of the human environment,” the Grantee must prepare an Environmental Impact Statement (EIS). For further information on this situation, please see below.

## ***Public Notice of FONSI/NOI-RROF***

Most Community Improvement Grant projects, which involve an Environmental Assessment result in an Assessment Finding that the activity or project is a major federal action, which will “not significantly affect the quality of the human environment.” Thus, a Finding of No Significant Impact (FONSI) will be made. The Grantee must then publish or post and distribute public notices to that effect. These are: (1) “Notice of Finding of No Significant Impact on the Environment”; and (2) “Notice of Intent to Request Release of Funds” (NOI-RROF).

The two notices can be published or posted as either concurrent notices or as a combined notice, appearing at least once as a legal ad in a general circulation newspaper. If the RE posts the FONSI/NOI-RROF, it must be prominently displayed in a public building such as the administrative offices of the Grantee as well as posted on the Grantee’s website. It must also be posted in at least one other public place such as the local post office, within the community, or places where the public gathers. The Grantee must document and provide evidence of all the places that the FONSI/NOI-RROF was publically posted. Include documentation in the ERR.

DHCD strongly encourages use of the Combined Notice as found at Appendix 2.M, so these instructions are based on the Combined Notice.

The Combined Notice requires a 15 day public comment period and a 15 day State Objection Period. The Public Comment Period begins at 12:01 a.m., local time, on the day following the publication date of the Combined Notice. See the following “Calculation of Time Periods for Public Comment: Combined Notice with Floodplain / Wetlands Requirements” to calculate time periods for public comment for a Combined Notice with Floodplain and Wetlands requirements. Proof of publication or posting is required and must be maintained in the ERR.

Copies of required Notices must be disseminated to:

Local news media

EPA – Philadelphia

DHCD

Appropriate Tribal, State and Federal agencies (if applicable, project specific)

Other individuals or groups known to be interested in the project (if applicable, project specific)

At the end of the comment period, the Grantee completes the RROF & C (Appendix 2.G) and submits it to DHCD.

Submission of the RROF& C must be uploaded into CAMS . The original should also be mailed to the Grantee's Community Development Specialist.

Mailing addresses can be found at Appendix 2.M. Please see "Calculation of Time Periods for Public Comment, Combined Notice with Floodplain / Wetland Requirement" for additional explanation and guidance. Note that strict compliance with the timelines is required, and:

- All review periods and public comment periods begin on the day *following* the completion of the required activity e.g., the publication of an Early Public Notice requires a fifteen (15) day comment period. If the Notice is published on April 2, the comment period begins April 3;
- All review and comment periods are counted in calendar days;
- All required follow-up actions to the review and comment periods must occur no sooner than the day after the last day of the review or comment period; and
- If a review or comment period ends on a non-business day then that review or comment period should be extended to end on the next business day.

### ***Agency Objections***

If within 30 days (plus 3 days mailing time) of receipt of a letter explaining the CDBG project, any recipient agencies indicate in writing that they have objections to the project, DHCD must be contacted immediately. DHCD, the Grantee and the objecting agency must determine whether adjustments can be made to the project so that all benefits will be met and outcomes achieved within budget AND environmental or regulatory issues are resolved. If such resolution is made, the Grantee must re-advertise the NOI-RROF with language that summarizes initial concerns and the steps taken to resolve the concerns.

If notified agencies issue comments regarding measures to be taken in the event that certain conditions materialized during the course of construction, it is the responsibility of the Grantee to forward said comments to the grant administrator, the project design professional and the construction contractor(s) as applicable, so that any concerns can be properly and promptly addressed. In such cases, the Grantee must contact DHCD to determine if a revised NOI-RROF must be published.

## **Projects Requiring an Environmental Impact Statement**

An Environmental Impact Statement (EIS) is required when it has been determined, based on completion of the ERR, that the proposed project will have a significant impact

on the environment. Contract award will be delayed for a project requiring an EIS, or the offer may be withdrawn altogether.

Completion of an EIS is a rigorous technical task and requires the assistance of specially trained individuals. Those involved must pay careful attention to the regulations (24 CFR 58 and 40 CFR Part 1500-1508). Certain types of projects always require an EIS; these are included in the federal regulations 24 CFR 58.37. Activities which would remove the habitat of any endangered animal or plant life may also be classified as a major federal action and would therefore require an EIS.



Call your DHCD Community Development Specialist immediately if your project requires an EIS.

## **The Environmental Review Record (ERR)**

Once the category of review has been determined for the project, the steps prescribed for each category must be followed to comply with National Environmental Policy Act and DHCD requirements.

A written record of the environmental review undertaken must be maintained for all projects. This document will be designated the “Environmental Review Record” (ERR), and shall be available for public review. The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings as evidence of review and decision-making. The ERR must include the following components:

1. Description of the project and all project activities;
2. Evaluation of the effects of the project or the activities on the human environment;
3. Record of the written determinations and other review findings required by project type; and
4. Other pertinent documents and information.

The required format for the ERR can be found in Appendix 2.A.

**✱ Environmental Assessments must be reviewed annually even if project changes have not occurred that would impact environmental factors. See Appendix 2.P for information on completing a reevaluation of your EA.**

## Calculation of Time Periods for Public Comment: Combined Notice for Projects in Floodplain/Wetlands

Table applies when submitting RROF & C via **U.S. Postal Service**

⚙ Please insert your actual dates in the calendar below

<ul style="list-style-type: none"> <li>For all projects, begin by contacting resource agencies via email (including submittal of wetlands mapping and research to VMRC) &amp; a completed <i>DHR Project Review Application</i>. Allow at least 30 days for comments from resource agencies before completing the ERR.</li> <li>Complete ERR after receiving all resource agency comments. DHR approval must be documented through one of the following: letter of clearance; executed programmatic agreement, or; executed Memorandum of Agreement.</li> </ul>						
<i>Upon determination that the project is in a floodplain or wetland, grantee may publish the Early Notice. This can occur <b>before</b> comments are received from VMRC or Army Corp of Engineers!</i>		Publish Early Notice (Appendix 2.D)	Start Comment Period			
			End Comment Period*	Complete ERR after receiving all resource agency comments	Publish Final Notice and Public Explanation (Appendix 2.E)	Start Comment Period
					End Comment Period*	Publish Combined Notice of FONSI & NOI-RROF (Appendix 2.M)
Start Comment Period						
End Comment Period*	Prepare RROF & Certification & Email a PDC to DHCD (Appendix 2.G)	Begin State Objection Period				
		End State Objection Period*				

\*If comment period ends on a Saturday or Sunday, the Grantee must use the following Monday as the last day for comments.



## Calculation of Time Periods for Public Comment: Combined Notice for Projects in Floodplain/Wetlands

Table applies when submitting RROF & C **via email**

⚙ Please insert your actual dates in the calendar below

<ul style="list-style-type: none"> <li>For all projects begin by contacting resource agencies via email (including submittal of wetlands mapping and research to VMRC) &amp; a completed <i>DHR Project Review Application</i>. Allow at least 30 days for comments from resource agencies before completing the ERR.</li> <li>Complete ERR after receiving all resource agency comments. DHR approval must be documented through one of the following: letter of clearance; executed programmatic agreement, or; executed Memorandum of Agreement.</li> </ul>						
<i>Upon determination that the project is in a floodplain or wetland, grantee may publish the Early Notice. This can occur <b>before</b> comments are received from VMRC or Army Corp of Engineers!</i>		Publish Early Notice (Appendix 2.D)	Start Comment Period			
			End Comment Period*	Complete ERR after receiving all resource agency comments	Publish Final Notice and Public Explanation (Appendix 2.E)	Start Comment Period
					End Comment Period*	Publish or post Combined Notice of FONSI & NOI-RROF (Appendix 2.M)
Start Comment Period						
End Comment Period*	Prepare RROF & Certification & Email a PDF to DHCD (Appendix 2.G)	Begin State Objection Period				
		End State Objection Period*				

\*If comment period ends on a Saturday or Sunday, the Grantee must use the following Monday as the last day for comments.

## Calculation of Time Periods for Public Comment: Combined Notice for projects NOT in Floodplain/Wetlands

Table applies when submitting RROF & C *via email*

⚙ Please insert your actual dates in the calendar below

<ul style="list-style-type: none"> <li>Contact resource agencies via email (<i>Allow at least 30 days for comments from resource agencies before completing the ERR</i>)</li> </ul>						
<ul style="list-style-type: none"> <li>Complete ERR after receiving all resource agency comments. DHR approval must be documented through one of the following: letter of clearance; executed programmatic agreement, or; executed Memorandum of Agreement</li> </ul>						
	<b>Publish or post</b> Combined Notice of FONSI & NOI-RROF (Appendix 2.M)	Start Comment Period				
		End <b>Published</b> Comment Period *	Prepare RROF & Certification & <b>Email</b> a PDF to DHCD (Appendix 2.G)	Begin <b>Published</b> State Objection Period	End <b>Posted</b> Comment Period*	
	Prepare RROF & Certification & <b>Email</b> a PDF to DHCD (Appendix 2.G)	Begin <b>Posted</b> State Objection Period				
				End <b>Published</b> State Objection Period*		
		End <b>Posted</b> State Objection Period*				

\*If comment period ends on a Saturday or Sunday, the Grantee must use the following Monday as the last day for comments.

## Calculation of Time Periods for Public Comment: Combined Notice for projects NOT in Floodplain/Wetlands

Table applies when submitting RROF & C *via U.S. Postal Service*

⚙ Please insert your actual dates in the calendar below

<ul style="list-style-type: none"> <li>Contact resource agencies via email (<i>Allow at least 30 days for comments from resource agencies before completing the ERR</i>)</li> </ul>						
<ul style="list-style-type: none"> <li>Complete ERR after receiving all resource agency comments. DHR approval must be documented through one of the following: letter of clearance; executed programmatic agreement, or; executed Memorandum of Agreement</li> </ul>						
	<b><i>Publish or post</i></b> Combined Notice of FONSI & NOI-RROF (Appendix 2.M)	Start Comment Period				
		End <b><i>Published</i></b> Comment Period *	Prepare RROF & Certification & <b><i>Mail</i></b> a PDF to DHCD (Appendix 2.G)	Begin <b><i>Published</i></b> State Objection Period	End <b><i>Posted</i></b> Comment Period *	
	Prepare RROF & Certification & <b><i>Mail</i></b> a PDF to DHCD (Appendix 2.G)	Begin <b><i>Posted</i></b> State Objection Period				
				End <b><i>Published</i></b> State Objection Period*		
		End <b><i>Posted</i></b> State Objection Period*				

\*If comment period ends on a Saturday or Sunday, the Grantee must use the following Monday as the last day for comments.

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