

# CHAPTER B:

## ENVIRONMENTAL REVIEW

## B.1 GLOSSARY

**Categorically Excluded Not Subject To Federal Environmental Regulations (CENST) - TN CDBG does not use this category, currently.**

*Categorically Excluded Not Subject To Federal environmental regulations* projects are activities that the Department of Housing and Urban Development has determined will not alter any conditions that would require a review or compliance under the environmental Federal laws and authorities. These projects are still required to comply with other Federal requirements.

**Categorically Excluded Subject to Federal Environmental Regulations (CES)**

*Categorically Excluded Subject to Federal environmental regulations* projects are excluded from NEPA reviews, but are still subject to other Federal environmental laws and authorities.

**Certifying Officer (CO)**

The *Certifying Officer* refers to the official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities 24 C.F.R. § 58.13. This is typically the mayor.

**Concurrent Notice**

The *Concurrent Notice* includes the Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF).

**Consultation**

*Consultation* means the process of seeking, discussing and considering the views of other participants, and where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Program as pursuant to the National Historic Preservation Act" provide further guidance on consultation.

**Department of Economic and Community Development (TNECD)**

The *Department of Economic and Community Development* is the Tennessee authority that administers the Department of Housing and Urban Development (HUD) grants for the Community Development Block Grant (CDBG) program.

**Environmental Assessment (EA)**

The *Environmental Assessment* is an environmental review which requires a more detailed analysis than for projects that are exempt or categorically excluded.

**Environmental Impact Statement (EIS)**

The *Environmental Impact Statement* is the most detailed level of analysis.

**Early Notice and Public Review (ENPR)**

The *Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain* is the first notice required for all projects located in a floodplain and is published prior to any other notice. This notice must be sent to all interested parties identified on the distribution list.

**Environmental Review Record**

The *Environmental Review Record* contains all documents, public notices, and written determinations issued during the environmental review process.

**Finding of No Significant Impact (FONSI)**

The *Finding of No Significant Impact* is published and sent to all interested parties on projects that require an environmental assessment. It is included in the Concurrent Notice.

**Historic Property**

*Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

**Letter of Removal of Environmental Condition (LOREC)**

The *Letter of Removal of Environmental Condition* will be sent to the recipient after the environmental requirements have been satisfied.

**National Environmental Policy Act (NEPA)**

The *National Environmental Policy Act* establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within the federal agencies.

**Final Notice and Public Explanation (FNPE)**

The *Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain* is the second notice required for all projects located in a floodplain. It can be published concurrently with other publications 15 days after the Early Notice is published. This notice must also be sent to all interested parties on the distribution list.

**Notice of Intent to Request a Release of Funds (NOI/RROF)**

The *Notice of Intent to Request a Release of Funds* is published and sent to all interested parties on projects that are categorically excluded or require an environmental assessment. It is also included in the Concurrent Notice.

**Final Notice of Removal of Contract Conditions (FNORCC)**

The *Notice of Removal of Contract Conditions* is received after environmental conditions and contract conditions have been satisfied.

**Responsible Entity**

The *Responsible Entity (RE)* means: (i) with respect to environmental responsibilities under programs listed in 24 C.F.R. § 58.1(b)(1), (2), (3), (4), and (5), a recipient under the program.

**Request for Release of Funds and Certification (RROF/C)**

The *Request for Release of Funds and Certification* certifies that all environmental activities have been covered or adhered to. The Request for Release of Funds and Certification, along with the ERR and proof of publication of the appropriate notice(s), must be sent to TNECD.

**State Historic Preservation Officer (SHPO)**

The *State Historic Preservation Officer* means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

### **Tribal Historic Preservation Office (THPO)**

The *Tribal Historic Preservation Office or Officer* means the tribal office/official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

## **B.2 ENVIRONMENTAL OVERVIEW**

In order to proceed with a CDBG award, the project must comply with the National Environmental Policy Act (NEPA) and the environmental requirements of other Federal laws covering historic properties, noise, air quality, floodplains, wetlands, water quality, solid waste management, man-made hazards, farmlands protection, wild and scenic rivers, coastal areas, endangered species and environmental justice.

Environmental responsibilities have both legal and financial ramifications. As part of the grantee assurances, the mayor or county mayor/executive must assume the role of the responsible Certifying Officer (CO) under the provisions of NEPA. This person is the environmental CO and must sign all environmentally related material. This means that if someone sues a project in Federal court on environmental grounds, the mayor or county mayor/executive acting as the environmental CO will be named as the responsible party.

Communities cannot obligate or expend block grant funds until the environmental requirements have been completed and all contract conditions satisfied. After the environmental requirements have been completed, the community will receive a Letter of Removal of Environmental Conditions (LOREC).

Even after receipt of this letter stating environmental requirements have been completed, funds cannot be obligated or expended until all contract conditions have been satisfied and the community receives a Final Notice of Removal of Contract Conditions (refer to Chapter A).

Any and all public comments must be considered before the Request for Release of Funds and Certification. The comments should be submitted to the State with the response that was given to the concerned citizen(s).

### **Allowable Activities Prior to Receipt of Letter of Removal of Environmental Conditions are as follows:**

- Eligible administrative costs
- Preliminary Engineering design
- Environmental review

In order to follow all the requirements, rules, regulations, etc., an Environmental Review Record (ERR) must be maintained. The ERR describes the project and its environmentally related activities, and contains all original documents, public notices and written determinations issued during the environmental review process. A copy of the ERR must be available at the city or county for public review, and another ERR must be sent to the State.

### **Time Frame for submittal of Environmental Review Records**

- Exempt project ERR is due to ECD 15 days after award announcement.
- Categorically Excluded converting to Exempt project ERR is due 45 days after award announcement.
- Categorically Excluded project ERR is due 90 days after award announcement.
- Environmental Assessment project ERR is due 120 days after award announcement.

If an incomplete ERR is received, the State's 15-day comment period will not begin until all required information is received.

### B.3 ENVIRONMENTAL REVIEW PROCESS

The environmental review process can be divided into four basic steps.

**Step 1:** Determining which of the five environmental review categories your project should be placed based on the definition of each category. The environmental review category should be based on the aggregate project scope. Regardless if a different funding source is being utilized in addition to HUD funds, the environmental review category to be selected will be reflective of the entire project. Projects may be categorized into one of the following NEPA categories:

1. Environmental Impact Statement (EIS)
2. Environmental Assessment (EA)
3. Categorically Excluded Subject to Federal Environmental Laws (CES)
4. Categorically Excluded Converting to Exempt
5. Exempt

**Step 2:** Complete all the environmental requirements based on the category selected in the first step. The grantee must maintain a written record of the environmental review undertaken for each project. This document shall be designated the Environmental Review Record (ERR) and shall contain all original documents, public notices, and written determinations issued during the environmental review process. The ERR must be available for public review.

**Step 3:** Submit the entire ERR to the Department of Economic and Community Development (TNECD). At that time, TNECD will review the ERR for completeness and compliance and initiate a 15-day comment period so that interested parties may respond to the project.

**Step 4:** Upon clearance of the 15-day period, TNECD will issue a Letter of Removal of Environmental Conditions (LOREC). However, no obligation or spending of money to implement the project can occur until the Final Notice of Removal of Contract Conditions (FNORCC) has been issued.

### B.4 ENVIRONMENTAL IMPACT STATEMENTS

An Environmental Impact Statement (EIS) is required under any of the following circumstances:

1. The project is determined to have a potentially significant impact on the human environment;
2. The project would provide a site(s) for hospitals and nursing homes containing a total of 2,500 or more beds;
3. The project would remove, demolish, convert, or substantially rehabilitate 2,500 or more existing housing units; or
4. The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units.

Contact TNECD for assistance if any of the above conditions are met.

## **B.5 ENVIRONMENTAL ASSESSMENT PROJECTS**

**NOTE:** *Due to ECD 120 days after award announcement*

Projects that involve new construction or substantial improvements to existing facilities will require an Environmental Assessment (EA). Examples of these projects include:

1. New Construction
  - New building on vacant site
  - Water/sewer line construction to an area not serviced
  - New water storage tank
  
2. Substantial Improvements
  - Doubling the size of an existing building
  - Increasing employment by more than 20%
  - Changing the land use
  - Increasing the capacity of public facilities by more than 20%
  - Major rehabilitation

Projects that require an Environmental Assessment will complete the Environmental Assessment Worksheets (Exhibit B-2).

### **B.5.a Environmental Assessment Requirements**

Early in the environmental assessment of a project, the grantee must initiate coordination and consultation with concerned Federal Agencies and with designated State Agencies responsible for administering State programs. The grantee must also complete all procedures and take other actions required under the provisions of applicable laws. Any such actions shall be integrated into the EA as compliance documentation.

### **B.5.b Environmental Assessment Narrative**

The primary purpose of the Narrative is to discuss in detail any adverse impacts and mitigating measures that were identified in the Environmental Review Record Checklist (Exhibit B-1). The following areas are included on the form:

1. Grant Data including items such as project identification, preparer, project name/location, cost, administrating agency, contact person, etc.
2. Conditions for Approval and FONSI
3. Statement of Need for Proposal
4. Description of the Proposal – Alternatives to the project **MUST** be listed.
5. Positives and negatives should be listed with each alternative including a no action alternative.
6. Existing Conditions and Trends

### **B.5.c Project Area Map(s)**

A project map(s), delineating the location of the project site(s), must be included in the ERR. The Federal Emergency Management Agency (FEMA), Flood Boundary maps, and/or FIRM maps must also be included in the ERR. The project site must be marked/outlined on the map(s). New water and/or sewer line extensions must be demonstrated precisely on map(s).

### **B.5.d Statutory Worksheet**

The Statutory Worksheet documents compliance with Federal laws, regulations and Executive Orders. It includes a listing of applicable statutes and regulations by fourteen areas of compliance. A specific source must be documented for each area. B-8 Directions for Statutory Worksheet gives direction on who to consult and how to complete the Statutory Worksheet, as well as the HUD thresholds for each category. All documentation should be included in the ERR.

### **B.5.e Historic Preservation Office Letters (SHPOs & THPOs)**

Many projects require consultation with the State Historic Preservation Officer (SHPO) to ensure that the proposed activities will not damage sites of significant historical importance. If SHPO is consulted, Tribal Historic Preservation Offices (THPO) requesting to be consulting parties must be consulted. A SHPO letter and THPO letter/email is the only acceptable documentation.

#### **State of Tennessee SHPO contact information:**

Mr. Patrick McIntyre, Jr., Executive Director,  
SHPO ATTN: Section 106 Review and Compliance  
2941 Lebanon Road  
Nashville, TN 37243-0442  
Phone: 615-532-1550  
Fax: 615-532-1549  
E-mail: [patrick.mcintyre@tn.gov](mailto:patrick.mcintyre@tn.gov)

Tribal Consultation exhibits give directives and specific information for THPO and Consulting Agency requirements.

### **REVIEW THESE EXHIBITS AND ABIDE BY ALL DIRECTIONS CONCERNING TRIBAL CONSULTATION OR YOU COULD BE LIABLE.**

### **B.5.f NEPA Environmental Assessment Checklist**

The NEPA Environmental Assessment Checklist contains impact categories within four major areas. The four impact areas represent categories with related and overlapping issues. Some of these areas are also included on the Statutory Worksheet.

A project may comply with the laws, regulations and Executive Orders stipulated on the Statutory Worksheet yet still have an impact on the environment as listed on the NEPA Environmental Assessment Checklist. For example, no statutes or regulations pertaining to Air Quality may be present on the Statutory Checklist; however, during construction, short-term dust levels may need proper mitigation. The appropriate code (1-4) should be listed on the NEPA Environmental Assessment Checklist with reference to supporting documentation that is included in the ERR.

*NOTE: If code 4 is listed, please call the ECD environmental staff to discuss.*

In the Summary section, #1, alternatives to the Proposed Action - ALTERNATIVES TO THE PROJECT MUST BE LISTED. Positives and negatives (short and long-term, concentrated and dispersed), as well as increased cost, loss of life, property, income, vital services, etc. should be listed with each alternative.

Information to include in the “Source of Documentation” column would be: the name of person giving consult, their title, their agency, the date contacted and their assessment. The required experts to consult are listed on the B-9 NEPA Checklist Directions.

Only use the experts listed there as contacts for each category. TNECD has to approve any other consultants.

**NOTE:** Refer to the B-9 NEPA Checklist Directions for a listing of “Experts to Contact” for each category on the NEPA Environmental Assessment Checklist.

State and Local requirements/regulations are considered in these consultations.

### **B.5.g Publications**

EA projects require publication in the grantee’s local newspaper\* in order to inform the public of the environmental requirements for the proposed project. Required notices must be published a minimum of one time. The number of notices and the amount of time required for the local comment period depend on if the project is located in a floodplain. Sample calendars and a calendar publishing date and comment period calculator can be found in the Calendar exhibits.

When copies of publications rather than original publications are included in the ERR, an original publisher’s affidavit must be submitted in order to verify the actual date of publication.

#### Publications for EA Projects not located in a Floodplain

For projects not located in a floodplain, the grantee must publish the Concurrent Notice which is followed by a fifteen-day local comment period. Publication dates must succeed the dates of the Statutory Worksheet, NEPA Environmental Assessment Checklist, and EA Narrative.

#### Publications for EA Projects located in a Floodplain

If the project is located within a floodplain or a wetland, the grantee must document completion of the HUD 8-Step Process. Notification to HUD/FEMA occurs when the ERR preparer publishes the Early Notice and Public Review and sends a copy to the required distribution list FEMA contact. Documentation of the 8-Step Process is accomplished by completing 8-Step Process Checklist. The 8-Step Process is as follows:

1. Determine if the action is located in a 100-year floodplain (500-year floodplain for critical actions)
2. Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process - publish the Early Notice and Public Review and allow fifteen days for public comment
3. Identify and evaluate practicable alternatives
4. Identify potential direct and indirect impacts associated with floodplain development
5. Design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain
6. Reevaluate the alternatives
7. Determination of no practicable alternative - the Final Notice and Public Explanation may be published and run concurrently with the Concurrent Notice. A 7-day comment period is required for the FN&PE, while a 15-day local comment period is required for the Concurrent Notice.
8. Implement the proposed action

### **B.5.h Postings**

For projects that are not in a floodplain, the Concurrent Notice may be posted. Below are the guidelines for posted notices:

- Grantees may post the notices in public places and mail to interested parties. If posting, the Concurrent Notice must be made available for 18 days. Also, posting must occur in a minimum of five (5) public places.
- A memo on letterhead must be placed in the ERR giving details of the posting: date of posting, list of places posted with their addresses, pictures and copy of the posting must be included.
- Grantees may NOT post for floodplain projects. Floodplain projects must be published.



### **B.5.i Distribution List**

Whenever a notice is published in the paper, a copy with a cover memo must be sent to all interested parties on or immediately before the date of publication. These include, but are not limited to, those agencies listed on the Distribution List. The Distribution List and copies of all the cover memos must also be included in the ERR as proof that the agencies on the Distribution List were sent the required notices.

### **B.5.j Flood Insurance**

If the project is located in a floodplain and involves the construction or improvement to a structure, the grantee must have flood insurance. Documentation to prove this must be included in the ERR.

### **B.5.k Request for Release of Funds and Certification (RROF/C)**

The Request for Release of Funds and Certification must be completed and signed by the grantee's Certifying Official (CO). This form certifies that the CO has complied with all Federal/State regulations in the environmental review process. The grantee must consider any comments from the public or agencies in response to the published notices prior to completing this form. The original copy must be included in the ERR.

After all the above activities have been completed, the ERR should be submitted to TNECD. The B-1 Environmental Review Record Checklist should be completed by the grantee to ensure that all necessary forms have been included in the ERR.

Upon receipt of a complete Environmental Review Record containing all the required information at TNECD, the fifteen-day public comment period for the State will begin. After the completion of this period, TNECD will send the LOREC to the grantee.

**NOTE:** *Often listed on the LOREC will be clearance conditions required by various agencies. A Clearance of LOREC Notations for Plans and Specs Approval is found in the Exhibits. If the LOREC has notations, this completed form must accompany any plans and specifications (P&S) submitted to TNECD before review of P&S can be completed.*

<p style="text-align: center;"><b>B.6 CATEGORICALLY EXCLUDED PROJECTS SUBJECT TO FEDERAL ENVIRONMENTAL LAWS</b></p>
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**NOTE:** *Due to ECD 90 days after award announcement*

Categorical exclusion refers to a category of activities for which no Environmental Impact Statement (EIS) or Environmental Assessment (EA) and finding of no significant impact under the National Environmental Policy Act (NEPA) are required. Three types of categorically excluded projects exist – those subject to federal environmental laws (CES), those converting to Exempt status, and those not subject to federal environmental laws (CENST). *TNECD does not currently use the CENST category.*

Projects that require a Categorical Exclusion will complete the Categorical Exclusion Worksheets (Exhibit B-3).

### **B.6.a Categorical Excluded Projects Subject to Federal Environmental Laws**

Projects not subject to NEPA requirements, but bound by other regulatory considerations and compliances are termed Categorical Excluded Subject to Federal Environmental Regulations (CES) and include:

1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements 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 and accessibility of elderly and handicapped persons.
3. Rehabilitation of buildings and improvements
  - a. Residential, multi-family buildings
    - i. Unit density is not increased by more than 20 percent;
    - ii. The project does not involve changes in land use from residential to non-residential or from one class of residential to another (e.g. from single family attached dwellings to high-rise multiple dwelling units; and
    - iii. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
  - b. Commercial and industrial (non-residential) rehabilitation activities
    - i. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
    - ii. 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. An individual action on up to four dwelling units where a maximum of four units are on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between. A project of five or more units when the units are more than 2,000 feet apart and developed on scattered sites.
5. Acquisition/disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired/disposed of will be retained for the same use.
6. Combinations of the above activities.

**B.6.b Rehabilitation work is considered CES unless**

1. There is an increase in the ‘footprint’
2. There is any new construction
3. Capacity is increased by over 20% (i.e. changing from 6” to 10” pipe)
4. Land/facility use is changing

If any of these conditions exist, the project will need an Environmental Assessment.

**B.6.c Categorically Excluded Project Requirements**

If the CES project is not in a floodplain and no compliance is triggered on the Statutory Worksheet, the project may convert to Exempt and publication of the RROF/C is not required. The following is required ERR documentation:

1. ERR Checklist
2. Project Area Map
3. The Categorically Excluded Worksheets with documentation
4. SHPO/THPO consultation letters and responses
5. Exempt Worksheets with box #12 checked.

If the project is determined to be CES and compliance activities are required by the Statutory Checklist, the following is required ERR documentation:

1. ERR Checklist
2. Project Area Map
3. The Categorical Excluded Worksheets with documentation
4. SHPO/THPO consultation letters and responses
5. Flood plain notices and 8-Step Process documentation, if necessary
6. Publication(s)
7. Distribution List(s)
8. NOI/RROF

#### **B.6.d Publications for CES Projects not located in a Floodplain**

For projects not located in a floodplain, the grantee must publish the Notice of Intent to Request Release of Funds (NOI/RROF), which is followed by a seven-day local comment period. Publication dates must succeed the date of the Statutory Worksheet.

- Grantees may post the notices in public places and mail to interested parties. If posting, the NOI/RROF must be made available for 10 days. Also, posting must occur in a minimum of five (5) public places.
- A memo on letterhead must be placed in the ERR giving details of the posting: date of posting, list of places posted with their addresses, copy of the posting must be included.
- Grantees may NOT post for floodplain projects. Floodplain projects must be published.

#### **B.6.e Publications for CES Projects located in a Floodplain**

If the project is located within a floodplain, the grantee must document completion of the same HUD 8-Step Process used for EA projects in a floodplain. For directions concerning this process, the distribution list to be used for consultation, and requirements regarding flood insurance, refer to sub-sections B.5.g Publications for EA Projects located in a Floodplain, B.5.h Distribution List, and B.5.i Flood Insurance.

### **B.7 CATEGORICALLY EXCLUDED PROJECTS CONVERTED TO EXEMPT**

**NOTE:** *Due to ECD 45 days after award announcement*

Activities that are listed above and in 24 C.F.R. § 58.35(a) (1)-(6) as categorical exclusions may be converted into exempt activities under the following conditions:

- a. The Grantee completes a compliance determination under the Federal laws and authorities cited in 24 C.F.R. § 58.5 for the proposed activity.
- b. The Grantee concludes that no circumstances exist where any of the Federal laws and authorities requires compliance with its own review procedures.
- c. The Grantee documents its conclusions on the compliance review. A project area map is generated. However, no public notices are published and no request for Release of Funds and Certification is submitted. The Grantee documents that the activity did not trigger compliance with any Federal laws and authorities and consequently, the activity was converted and is certified as an exempt activity. All documents will be placed in the Environmental Review Record.
- d. No publications/comment periods are necessary for CE projects converting to Exempt. The ERR is still sent to TNECD with a completed ERR Checklist for environmental clearance.

## **B.8 CATEGORICALLY EXCLUDED PROJECTS NOT SUBJECT TO FEDERAL ENVIRONMENTAL LAWS (CENST)**

Categorically Excluded Projects Not Subject to Federal Environmental Laws (CENST) are not currently utilized by TNECD.

## **B.9 EXEMPT PROJECTS**

**NOTE:** *Due to ECD 15 days after award announcement*

Projects that are Exempt from federal environmental laws will complete the Exempt Worksheets (Exhibit B-4).

Exempt projects do not require compliance with any Federal environmental laws or authorities. The basis for qualifying a project or activity as Exempt is the underlying activity. A project, if it consists solely of the activities listed in 24 C.F.R. § 58.34, can be categorized as Exempt.

Purchase of equipment or vehicles falls under the ‘purchase of tools or equipment’ section. The Exempt Worksheets must be completed and sent to TNECD for project clearance. (#7 is checked)

## **B.10 ADOPTION OF ANOTHER AGENCY’S ENVIRONMENTAL IMPACT STATEMENT OR ENVIRONMENTAL ASSESSMENT**

If an Environmental Impact Statement (EIS) or Environmental Assessment (EA) has been prepared on the project for another agency, the grantee may adopt this document as part of the environmental review requirements under the Community Development Block Grant (CDBG) program. However, the following must also be included:

1. A copy of the other agency’s EIS/EA
2. Addendum of Validity – Project’s Certifying Officer (CO) must complete this form.
3. Environmental Review Record Checklist
4. EA Worksheets
5. 8-Step Process (if applicable)
6. State Historic Preservation Office (SHPO) consult and response letter
7. Tribal Historic Preservation Office (THPO) consult and response letters
8. Map(s)
9. Distribution List and accompanying letters
10. Documentation of flood insurance (if applicable)
11. Request for Release of Funds and Certification

**NOTE:** *The Concurrent Notice and the floodplain notices (if applicable) must be published even if a previous notice was published as part of the adopted EIS/EA. The time frame for public comment is the same as for EAs.*

**NOTE:** *If the project is not in a floodplain, grantees may post the notices in a public place and mail it to interested parties. If posting, the Concurrent Notice must be made available for 18 days. A memo must be placed in the ERR giving details of the posting.*

## **B.11 PROJECT SCOPE CHANGE**

### **Re-evaluation of Environmental Review Record requiring an Addendum**

If size, location, or scope of a project changes, environmental impact must be reassessed and the ERR updated.

If the original scope of a project is changed, an ERR addendum must be completed. Situations that would require reassessment are:

1. Adding new activities not covered in original project scope (e.g., cost savings result in ability to extend water line beyond what was originally planned)
2. New circumstances and environmental conditions that may affect the project
3. Choosing an alternative approach or site not considered in the original assessments

If a change in the scope of the project occurs, the grantee must first request approval from TNECD. Once the scope change is approved, TNECD and the grantee will re-evaluate the original ERR based on the new information to determine whether the ERR is still applicable. If the original ERR is still valid, the grantee will submit an Addendum to the original ERR.

### **ERR Addendum Requirements**

If the project is determined to need an addendum the following is required ERR documentation:

1. Addendum of Validity (Exhibit B-5) – Project’s CO must complete this form.
2. If applicable, acknowledgment that the EA Worksheets have been reviewed and are also still valid. However, a current Statutory Worksheet related to the new project must be completed.
3. A description and map of the new project area
4. A current SHPO consultation and response letter and THPO consultation and response letters, related to the new project area.

The Environmental Review Record Checklist column titled “Addendum”.

If the original ERR is determined to no longer be applicable, the grantee must prepare a new ERR that includes all the requirements for that type project.

## **B.12 AGGREGATE**

Grantees may reuse an ERR if it is under 5 years old, covers the same project area, and has the same scope. However, a charge cannot be made to the grant for completion of an ERR.

### **ERR Aggregate Requirements**

1. An Addendum of Validity must be signed and dated by the Certifying Officer (CO).
2. A project map delineating the area to be worked
3. An RROF/C must also be submitted

**ENVIRONMENTAL REVIEW RECORDS ARE VALID FOR FIVE (5) YEARS FROM THE ORIGINAL CLEARANCE DATE**

## **B.13 ENVIRONMENTAL EXHIBIT LIST**

- B-1 ENVIRONMENTAL REVIEW RECORD CHECKLIST
- B-2 ENVIRONMENTAL ASSESSMENT (EA) WORKSHEETS
- B-3 CATEGORICALLY EXCLUDED (CES) WORKSHEETS
- B-4 EXEMPT WORKSHEETS
- B-5 ADDENDUM OF VALIDITY
- B-6 REQUIRED TRIBAL CONSULTATION BY COUNTY
- B-7 TRIBAL CONSULTATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT
- B-8 STATUTORY WORKSHEET DOCUMENTATION DIRECTIONS & HUD THRESHOLDS
- B-9 NEPA CHECKLIST DIRECTIONS
- B-10 CALENDARS FOR PUBLIC COMMENT PERIODS
- B-11 TRIBAL CONSULTATION LETTER TEMPLATE
- B-12 ENVIRONMENTAL REVIEW RECORD USEFUL WEB LINKS