



LEVELS OF ENVIRONMENTAL REVIEW

Exempt Activities

Activities that do not affect the human physical environment. Activities that are listed as "exempt" by 24 CFR 58.34 do not have to comply with the requirements of Part 58 (except the authorities in 58.6 where applicable). In general, administrative activities, feasibility and engineering studies, outreach, and other activities that do not affect the human and physical environment are exempted from the review requirements of Part 58. Exempt activities may be commenced without public notice or submission of an RROF and FONSI certification, but require a written notice from the Responsible Entity describing the exempt activities, so that TCDP may issue an environmental special condition compliance letter. See also 58.35(c) for activities that are not subject to NEPA or the related laws in 58.5, but may be subject to the requirements of 58.6. Written documentation of the decision that an activity is exempt under 58.34 or excluded under 58.35(c) must be included in an ERR.

Categorically Excluded Activities

Activities that do not have a significant effect on the environment, either individually or cumulatively (as cited in 58.35) are categorically excluded and do not require an environmental assessment or environmental impact statement. Categorically excluded activities typically involve work to rehabilitate or repair existing structures or facilities that does not change the existing environment. An example would be repair of an existing water or sewer line with no location or capacity changes, street repair with no location or capacity changes (additional width can be deemed a capacity change), or rehabilitation of existing housing. Categorically excluded projects must still comply with non-NEPA statutes and regulations and the ERR must document this compliance. These requirements are identified in 58.5 and 58.6 and include, but are not limited to, analysis of historic properties, floodplain management, and wetland protection. Unlike exempt activities, categorically excluded activities do not require a FONSI but do require publication of an NOI/RROF and submission of an RROF and certification to the State, except in the case of activities listed in 58.35(c).

Environmental Assessments

Activities that will change the physical environment require at a minimum an Environmental Assessment (EA). The change could be as moderate as widening an existing water or sewer line, or as a medium-scale repair project. To complete the Assessment, the recipient must analyze the project's impact on the human environment and comply with the review required by the Federal laws cited in 24 CFR 58.5 and 58.7. The requirements of an Environmental Assessment are contained in 24 CFR 58 Subpart F. If the Assessment supports a finding that the activity will not have a significant impact on the environment, no further review is needed. The recipient must issue a FONSI and publish a NOI/RROF.

Environmental Impact Statements

An Environmental Impact Statement (EIS) is required when an EA indicates that a proposed project or activity will significantly impact the human environment, as defined in 24 CFR 58.37. The EIS is a detailed written statement describing, analyzing and assessing any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the proposed action and alternatives to the proposed action. In the event a Locality finds itself involved with this level of review, it should contact the U.S. HUD Field Environmental Officer having jurisdiction of your Office.