Guidance for the Preparation of Environmental Documentation

Related to the

Community Development Block Grant – Infrastructure Funding Program

Division of Water Infrastructure

North Carolina Department of Environmental Quality

June 2024

- Amended June 2025

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Since July 2013, administration of the Community Development Block Grant (CDBG) program in North Carolina is split between two departments, the North Carolina Department of Commerce (DOC) and the North Carolina Department of Environmental Quality (DEQ). While DOC has been tasked with administering the economic development portion of the CDBG program, the Division of Water Infrastructure (the Division) of DEQ administers the infrastructure portion of the program, which includes water and wastewater infrastructure only. The purpose of this guidance is to provide applicants with an understanding of the Division's environmental review process for the CDBG Infrastructure (CDBG-I) program only.

The CDBG-I environmental review process is built on an after-action monitoring approach. Under this type of review process, the applicant prepares the Environmental Review Record, including the Environmental Information Document (EID), the final environmental document, and supporting materials. The applicant is solely responsible for agency review and coordination, preparing a complete and accurate EID, and a complete and accurate environmental document. The Division provides oversight in the form of guidance preparation and monitoring once the funds are released. The U.S. Department of Housing and Urban Development (HUD) utilizes this type of approach for projects funded in entitlement cities and urban counties. In the CDBG-I program, the Engineering Report (ER) is reviewed by Division staff separately from the environmental process. Note that this process is very different from the real-time monitoring process that the Division uses for engineering and environmental review for other funding programs where documents are sent to the Division in draft form for review and comment. In the CDBG-I program, only final documents are submitted to the Division.

> The only time the Division will have the opportunity to comment on a project during the environmental process is during the objection period.

Expectations and Roles

To make the after-action approach work, the Division has developed a schedule that must be met to release funds and complete project construction in a timely manner. Both the Division and applicant must meet specified deadlines to meet the schedule outlined in Section 1.1.4. The expectation and roles of both the applicant and the Division related to the environmental portion of the CDBG-I program are important to keep projects on schedule.

The applicant will be responsible for several items as part of the CDBG-I environmental review process. These items are as follows:

- The Recipient, the Responsible Entity, and Preparer must attend the environmental training related to the CDBG-I program and pass the required certification tests.

- The Responsible Entity must complete the appropriate agency coordination related to the project. This includes any surveys or studies that must be conducted as well as contacting the appropriate agency. All agency responses must be incorporated into the EID, and all agency correspondence must be included in the environmental review record (ERR).
- The Responsible Entity must prepare a complete an accurate EID based upon the information supplied in Sections 3.0 and 4.0 of this guidance.
- The Responsible Entity must accurately prepare and distribute for public notification the final environmental document.
- The Responsible Entity must respond to any public comment related to the final environmental document and must assist the Division to address any objections related to the Request for Release of Funds.
- The Responsible Entity must maintain an accurate and complete ERR.

The Division has its own set of responsibilities related to the administration of the CDBG-I program.

- The Division must develop guidance that provides an accurate description of the requirements related to the CDBG-I environmental review process. Division staff review this guidance on an annual basis and update it as needed to account for any programmatic changes and to further clarify information.
- The Division must develop and administer both training and a certification test for the CDBG-I environmental review process.
- The Division must address any objections to the final environmental document from the public.
- The Division must ensure that all release of funds occurs in a timely manner.
- The Division must monitor CDBG-I projects once funds are released to determine that the EID, final environmental document, and Environmental Review Record were accurately completed.

Terminology

As with many government programs, the CDBG-I program has its own set of terminology that may be difficult to understand, especially if the applicant is new to the process. The terms below are a mini-glossary of those utilized in the CDBG-I program. The Glossary and Acronyms at the end of this guidance contain a complete set of terms and acronyms related to the program.[1]

- Certifying Officer – The official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to appear in Federal court as required [see §58.2(a)(2)]. The Certifying Officer must attend the Division's environmental training and pass the written test. (See Section 1.1.5) The Certifying Officer should be an elected official or high-level staff such as Mayor, Chairman of the Board, or Town/County Manager.

[1] Regulations pertaining to the information in this guidance document are found in 24 CFR Parts 51, 55, 58, and 570. Specific references are provided where needed.

- Environmental Information Document (EID) – The document that contains the environmental analysis and is the basis for the final environmental document (e.g., FONSI). The EID is included as part of the environmental review record.

- Environmental Review Record (ERR) – The official file of all environmental information related to the project including the EID.

- Final Environmental Document – A document that characterizes the environmental and human impacts of constructing a project. These documents include a Certificate of Exemption, a Categorical Exclusion Not Subject to §58.5 (CENST), a Categorical Exclusion Subject to §58.5 (CEST), a Finding of No Significant Impact/Environmental Assessment (FONSI/EA), and a Record of Decision/Environmental Impact Statement (ROD/EIS).

- Project – An activity or group of integrally related (e.g., aggregated) activities designed to accomplish, in whole or in part, a specific objective [see §58.2(a)(4)].

- Recipient – Any entity when they are eligible recipients or grantees such as a unit of local government [see §58.2(a)(5)].

- Request for Release of Funds (RROF) – A document completed and signed by the Certifying Officer to request the release of CDBG construction funds for a project.

- Responsible Entity – A UGLG, responsible for the preparation of the ER/EID [see §58.2(a)(7)(i-ii)]. Note that sometimes, the RE may differ from the Recipient.

- Unit of General Local Government (UGLG) – Any city, county, town, township, parish, village, or other general purpose subdivision of a state [see §570.03[2]].

Schedule

The CDBG-I environmental review process takes an after-action monitoring approach. As a result, it is crucial that Recipients and Preparers gain an understanding of what is required not only in the EID but also what the review process entails. This section discusses the processes related to pre-qualification, documentation preparation, and the monitoring process.

As part of the funding process, Responsible Entities will be responsible for preparing the EID and final environmental document. Table 1.1 shows the proposed timelines and milestones related to the completion of the environmental process.

All milestones mentioned in the Letter of Intent to Fund must be met. Otherwise, the Division will take back the funding for use in future rounds.

[2] See also https://www.hudexchange.info/community-development/cdbg-laws-and-regulations

Table 1.1. Proposed Schedule For Environmental Documentation Process[a,b]	
Task	**Duration**
Letter of Intent to Fund	1 Day
Environmental Certification training[c]	6-8 weeks
EID preparation	7 months
Public Notice (if required)	3 weeks
Response to Public Comments[d]	2 weeks
Submittal of RROF	2 weeks
Objection Period[e]	15 days
Responses to Objections[d]	2 weeks
Funds Released[f]	1 day

[a]Milestones provided are when steps must be completed. Steps may be completed earlier if possible.
[b]If the date listed falls on a weekend, then the first business day after the date will be the due date.
[c]Environmental process certification training will be held early in the preparation process.
[d]If the final environmental document must be re-noticed in response to public comments or objections, then that portion of the process will need to be repeated. See Figure 1.1.
[e]Objection period will not begin until the RROF is received (applicable to CESTs and FONSIs only).
[f]The Funds Released date is a milestone date. If funds are not released by this date, then the Division will de-obligate the funding and utilize it in future funding rounds.

Pre-Qualification Process

Since the environmental review process relies heavily on the knowledge and capabilities of the Responsible Entity to complete the EID and appropriate environmental document, it is critical that Responsible Entities and their Preparers gain a solid understanding of what is required and can demonstrate that understanding.

To do so, the Division requires training. This training will be scheduled after Letters of the Intent to Fund have been sent. It is mandatory that a Recipient representative who can act as the Certifying Officer for the project, at least one representative from each UGLG who will be a Responsible Entity and all Preparers attend this training. Due to the possibility of staff changes, having two Recipient representatives attend training is strongly encouraged.

Preparer – An entity such as a Council of Government or consultant that prepares the ER/EID and environmental documentation for the Responsible Entity.

Letter of Intent to Fund – Correspondence sent by the Division to all Recipients receiving funding that notifies them of the intent of the Division to award grant funding once the schedule is met.

The training consists of information related to the overall CDBG-I process but with a focus on the EID preparation process. It goes into depth related to what is required in the EID and how to prepare the appropriate environmental documentation and what is required in the ERR.

Only those who take the training and pass the test will be allowed to prepare an EID and the final environmental documents.

Once training is completed, participants must take an open-book certification test. This test will determine the knowledge the participant received. The participant must pass this test in order to prepare an EID for the CDBG-I program. The Division will grade the tests and will issue certificates for those who pass. A copy of the certificate issued upon completion of the course must be maintained as part of the ERR.

It is important to note that only those who take the training and pass the test will be certified to prepare an EID and final environmental documents. Once Responsible Entity and its Preparer pass the certification test, they will be required to maintain the certificate in the ERR. The certification will be good for four years.

Documentation Preparation Process

Once a Preparer[3] has completed the certification process, then they must prepare the EID as well as the final environmental document. The first step entails preparing the EID. The second step consists of preparing the final environmental document and notifying the public as applicable.
The final step consists of requesting a release of funds. The following section goes into more detail related to each of these steps. Figure 1.1 shows a flowchart of these steps.

Environmental Information Document

The EID provides the basis for the final environmental document. Therefore, it is critical to understand the steps required to complete the EID in a timely manner. Failure to complete the EID accurately may result in findings during monitoring and a possible forfeiture of funds.

For projects that require a Certificate of Exemption or CENST as a final environmental document, no agency scoping is needed, and minimal tables in the EID are needed. Please see Section 1.3 for more information related to final environmental documents.

For projects that require a final environmental document that is a CEST or a FONSI, the Preparer will need to conduct an agency review. The Division highly encourages the Preparer to complete any necessary studies and surveys before contacting agencies so that the results may be submitted to the agencies. This will minimize comments that they may have. The Division has supplied a checklist in Appendix C for use in agency scoping. The agencies that need to be contacted are as follows:

- North Carolina Department of Natural and Cultural Resources
- Eastern Band of Cherokee Indian Nation (as applicable)
- Tuscarora Nation of New York (as applicable)
- Catawba Indian Nation
- Muscogee (Creek) Indian Nation
- U.S. Army Corps of Engineers (applicable field office)
- U.S. Fish and Wildlife Service (applicable field office)
- National Marine Fisheries Service (as applicable)

[3] In some cases, the Preparer and RE may be the same. For simplicity's sake, Preparer for the rest of this guidance includes both the RE and the Preparer.

- North Carolina Department of Environmental Quality
  - Division of Water Resources
  - Wildlife Resources Commission
  - Natural Heritage Program
  - Division of Air Quality
  - Division of Coastal Management (as applicable)
- Other state, local, and Federal agencies as needed.

The Preparer should prepare the EID based upon the type of final environmental document needed. See Section 1.3 below for more information as to what types of projects result in which final environmental document. Note that not all environmental tables may be required. During this process, the Preparer should contact the Division regarding any questions. The Division will provide technical support either by answering the question or providing recommendations as to who to contact further.

Recommendation – Actions the agency suggests as ways to mitigate environmental impacts.

Requirement – Actions an agency states must be incorporated into the project to mitigate environmental impacts. These must be incorporated into the ER/EID as mitigation.

Once the Preparer receives agency comments, then it should finalize the EID based upon the recommendations and requirements from the agencies. All recommendations and requirements from all agencies must be addressed, and mitigative measures suggested by the agencies incorporated into the EID.

Final Environmental Document Preparation

Once the EID is complete and all agency concerns addressed, then the Preparer will draft the final environmental document and complete the proper public notification process.

When preparing a final environmental document, the Preparer must utilize the documents posted on the Division website.

The final environmental document required is usually based upon the type of project being constructed, not the amount of environmental impact. Therefore, if a project starts out as a CEST, then it will remain a CEST and not convert to a FONSI even if it triggers compliance with at least one of the authorities listed in 24 CFR 58.5. There are two exceptions, though. A project that starts as a CEST may convert to exempt if the environmental review concludes that compliance with 24 CFR 58.5 is not triggered. The other exception is that if it is determined during agency scoping for a CEST or FONSI project that the proposed project may yield a potentially significant impact, then the project might require an EIS. See Section 1.3 for more detail as to what type of final environmental document a project may require.

CENST – Categorical Exclusion Not Subject to 24 CFR 58.5

RROF – Request for Release of Funds

CEST – Categorical Exclusion Subject to 24 CFR 58.5

NOI – Notice of Intent

FONSI – Finding of No Significant Impact

When preparing a final environmental document, the Preparer must utilize the documents posted on the Division's website, as this documentation has been approved by the HUD. Use of any

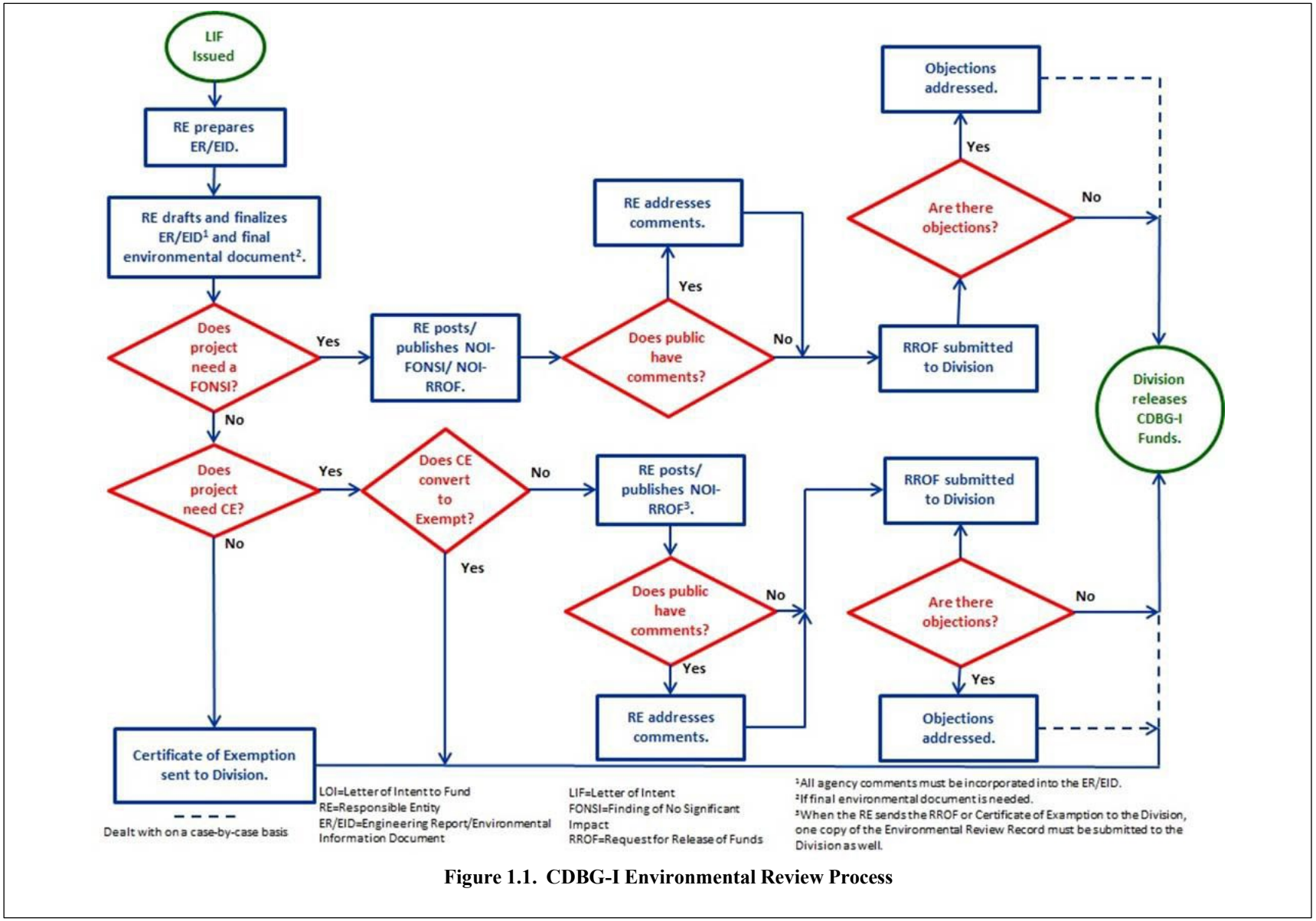


Figure 1.1. CDBG-I Environmental Review Process

other documentation will result in a finding during the project monitoring process. Once the final environmental document is prepared, then the Certifying Officer for the RE is responsible for signing the document.

Public Notification

Once the final EID and final environmental document have been completed, then public notification may need to be completed.

If the final environmental document is a Certificate of Exemption, a CENST, or a CEST that converts to Exempt, then no public notification is needed.

If the final environmental document is a CEST, then public notification for the RROF is needed (unless the CEST converts to Exempt). Using the forms provided on the Division website, the Preparer will customize the NOI/RROF for the project and will mail the notice to interested parties as well as the Division, EPA Region 4, and all applicable state, local, and tribal agencies. It must either publish the NOI/RROF in a newspaper of general circulation in the affected community or prominently display in public buildings within the project area or in designated places as agreed upon during the citizen participation process.[4] The Division also encourages the posting of the NOI/RROF on the Responsible Entity's and Recipient's websites if available.[5]

Public buildings may include the local post office, libraries, and recreational facilities owned by the Responsible Entity and/or Recipient.

If the final environmental document is a FONSI, the Division requires that the FONSI and RROF be noticed concurrently, which is permissible under HUD regulations and encouraged by the Greensboro HUD field office because it significantly decreases the time associated with the environmental review process and also simplifies the process the RE uses to respond to comments. This is due to the tight timelines required for the release of funds to complete the project.

Once the FONSI is finished, the Preparer will utilize the forms provided on the Division website. When the NOI/FONSI-NOI/RROF is completed, the Preparer will mail the notices to interested parties as well as the Division, EPA Region 4, and all applicable state, local, and tribal agencies. It must either publish them in a newspaper of general circulation in the affected community or prominently display in public buildings within the project area or in designated places as agreed upon during the citizen participation process. The Division also encourages the posting of the NOI/FONSI-NOI/RROF on the Responsible Entity's and Recipient's websites if available.[6]

A Note about Clearinghouse Review

As part of the new environmental review process, a North Carolina Clearinghouse review will NOT be required due to changes in the State Environmental Policy Act regulations. If you have any questions, please contact the Division for further information.

[4] See 24 CFR 58.43(a).
[5] Please note that posting on the RE's website is not mandatory and ***does not*** fulfill the public notification requirements on its own.
[6] See Note 6 above.

For the notification processes, timelines exist related to comment periods. Table 1.2 below provides a tabular flowchart to describe the minimum length of notification required.

Table 1.2. Minimum Public Notification Time Periods[7]			
If my environmental document is a/an…	**Then I must prepare…**	**And if I notify via…**	**Then my minimum comment period is…**
Exempt Certification	No NOI/RROF		
CENST	No NOI/RROF		
CEST converts to Exempt CEST	No NOI/RROF		
	NOI/RROF	Mailing and Publishing	7 days
		Mailing and Posting	10 days
FONSI	NOI/FONSI-RROF[8]	Mailing and Publishing	15 days
		Mailing and Posting	18 days

A Note about Exceptional Circumstances

On rare occasions, an exceptional circumstance related to a project requiring a FONSI may occur. These circumstances are: (1) if there is a considerable amount of controversy or interest related to the project; (2) if the proposed project is similar to other projects that normally require the preparation of an EIS; or (3) the proposed project is unique and without precedent. If any of these cases occur, then the FONSI must be available for public comment for 30 days before a RROF can be filed. This is the only case where the Division will allow a separate notification of the FONSI and RROF (see 24 CFR 58.46).

Addressing Public Comments

Once the public comment period has closed, the Preparer and RE must address any comments received. As noted in Section 1.2 above, the Preparer and RE have 14 days to address all public comments. This keeps the environmental review process moving. If the comments received are on a similar topic (e.g., five comments were received on floodplain impacts), then these comments may be grouped together with one response.

Responsible Entities have one of three options when reviewing and responding to public comments. First, if a comment is completely unrelated to the content of the CEST, FONSI or to the RROF, then the comment should be acknowledged. Second, if a comment is related to the content of the CEST, FONSI or RROF but does not require a change in the ER/EID, RROF, and/or CEST or FONSI, then the comment must be acknowledged, and a rationale supplied as to why no revision to the RROF and/or CEST or FONSI was required. Last, if a comment was substantial enough to require revision of the CEST or FONSI as well as the EID, then the response should specify what revisions will be made and the appropriate revisions made in the EID and the CEST or FONSI. The RROF or FONSI/RROF will then be noticed again. If the RE has questions concerning the significance of public comments, it should contact the Division and schedule a meeting to discuss the comments.

[7] See 24 CFR 58.45.
[8] Combined into one document.

When a Request for Release of Funds is Not Needed

There may be CDBG-I projects that are either exempt or require a final environmental document that is a CENST . If this is the case, then the Preparer should complete the appropriate final document for the project. These forms are available on the Division's website and must be utilized, as they have been approved by the Greensboro HUD office for use. Then, a copy of the Certificate of Exemption or CENST as appropriate for the project and one hard copy of the ERR must be submitted to the Division. These copies will be maintained in Division files.

In some situations, a CEST may convert to Exempt. This occurs when, at the end of the agency scoping and environmental review process, a determination can be made that compliance with 24 CFR 58.5 has not been triggered. If this is the case, then the CEST final environmental document on the Division's website would be used with the appropriate certification paragraph at the end of the document selected. See Section 1.2.3.2 for additional information for a CEST that converts to Exempt.

The Request for Release of Funds and Authority to Use Grant Funds

For a CEST that does not convert to Exempt or FONSI, once any public comments have been adequately addressed, then the RE must prepare a RROF and a certification. Both the RROF/certification form and directions for completing the form are located on the Division's website. Follow the RROF/certification directions and submit the RROF/certification to the Division at 1633 Mail Service Center, Raleigh, NC, 27699-1633 along with one hard copy of the ERR (see Section 1.2.2.8 for more information as to what is required).[9]

If the Recipient is different than the Responsible Entity, then the Authorized Officer of the Recipient must sign the certification as well. If this is the case, then the Responsible Entity's Certifying Officer executes the certification form and then sends it to the Recipient along with any environmental conditions that must be adhered to.

During the time of environmental review, the Recipient must refrain from undertaking any physical activities or choice-limiting actions until the Division has approved the RROF.

Objection Period

Once the Division receives the RROF and certification, HUD regulations require a 15-day objection period. Anyone may object to a RROF and related certification, but the bases for objections are limited.

During the 15-day objection period, HUD regulations require that no physical activities or choice-limiting actions related to a project may occur.

[9] Certified mail or delivery tracking service is highly recommended.

These are described below.[10]

- The certification was not executed by the RE's Certifying Officer;
- The RE has failed to (1) make a Finding of No Significant Impact or a finding of significant impact; (2) a determination of Categorical Exclusion; (3) a re-evaluation of environmental assessments and other environmental findings; or (4) appropriately use a previous environmental impact statement;
- The RE omitted one or more of the steps related to the environmental assessments;[11]
- The RE omitted one or more of the steps related to environmental impact statements;[12]
- The Recipient or other participants in the development process have committed funds, incurred costs, or undertaken activities not authorized before release of funds and approval of the environmental certification by the division; or
- Another Federal agency acting pursuant to 40 CFR part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Information on what is required in an official objection is found in the NOI/RROF found on the Division's website.[13]

During this time, the Division will also review the hard copy of the ERR.

If no objections are submitted and if the Division has none, then the Division will issue the Authority to Use Grant Funds to the Recipient so that the project can move forward.

If objections are received, then the manner in which the objection is addressed will vary depending upon the objection. Table 1.3 below lists each objection and the approach taken by the Division.

Table 1.3. Proposed Steps to Address Objections

Objection	Regulatory Citation	Proposed Steps
The certification was not executed by the RE's Certifying Officer	§58.75(a)	The Division will return the certification/RROF to the RE and have the Certifying Officer sign it. The objection period will restart upon resubmission of the RROF.
The RE has failed to (1) make a Finding of No Significant Impact or a finding of significant impact; (2) a determination of Categorical Exclusion; (3) a re-evaluation of environmental assessments and other environmental findings; or (4) appropriately use a previous environmental impact statement	§58.75(b)	The Division will contact the RE regarding further steps to take, which will be determined upon additional review of the project and the Responsible Entity.
The RE omitted one or more of the steps related to the environmental assessments.	§58.75(c)	The Division will require that the RE complete the steps that were missed, including public notification as needed. The objection period will restart upon submission of the RROF.

[10] See 24 CFR 58.75.
[11] See 24 CFR 58.40-47.
[12] See 24 CFR 58.52-60.
13 See 24 CFR 58.76

.Table 1.3. Proposed Steps to Address Objections		
Objection	**Regulatory Citation**	**Proposed Steps**
The RE omitted one or more of the steps related to environmental impact statements.	§58.75(d)	The Division will require that the RE complete the steps that were missed, including public notification as needed. The objection period will restart upon submission of the RROF.
The Recipient or other participants in the development process have committed funds, incurred costs, or undertaken activities not authorized before release of funds and approval of the environmental certification by the Division.	§58.75(e)	The Division will contact the RE regarding further steps to take, which will be determined upon additional review of the project and the RE.
Another Federal agency acting pursuant to 40 CFR part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.	§58.75(f)	The Division will transmit agency objections to the RE and Recipient and require that the objections be addressed. The project will then be re-noticed and the RROF resubmitted. The objection period will restart upon submission of the RROF.

Once the Authority to Use Grant Funds is sent, all mitigative measures set forth in the FONSI or CEST must be implemented as part of the project. Additionally, project inspectors during construction must enforce these mitigative measures. Last, any agency or member of the public seeking redress related to the environmental review covered by the approved certification must deal directly with the RE. This is why the training before preparation of the ER/EID is so critical so that the RE understands what is required in the environmental process.

The Environmental Review Record

The ERR is a project file that contains all information related to the environmental review process and is critical to maintain. When the Division and HUD monitor REs, the ERR will be one of the items that will be examined. Every ERR should contain the following information:

- A copy of the certification showing that the Preparer, RE, and Recipient completed and passed the training.
- A copy of the EID used to formulate the final environmental document.
- A copy of the final environmental document (Certificate of Exemption, CENST, CEST, FONSI/EA, EIS/ROD).
- Agency correspondence. (The Agency Scoping Check List in Appendix C is recommended to document agency correspondence.)
- Comment/response document to agency comments.
- Notifications related to FONSIs and RROFs, including affidavits of publication if published or pictures of postings if posted.
- Mailing list for mailed notices
- Public comments, if any were made.
- Comment/Response Document for addressing public comments (if applicable).
- Copies of any objections.
- Comment/Response document for addressing objections (if applicable).

While the ERR may be collected in a filing system such as an accordion file or file cabinet at the grant recipient's location, the Division requires Preparers to place all information related to the ERR in a three-ring binder for submittal to the Division. This is critical due to limited storage space at the Division's offices as well as because Division staff tend to receive multiple ERRs during the same time period.

The certificates related to training will be issued to the RE, Preparer, and Recipient after the training is finished and testing completed. Copies for all three must be kept in the ERR and included in the copy of the ERR submitted to the Division.

Since the EID is critical to the drafting of the final environmental document, it must be included as part of the ERR along with the final environmental document.

All agency correspondence and associated comment/response documents should be included as well. The comment/response document should be prepared before revising the EID. Responses should (1) include acknowledgements where agencies commented and where no changes were made; (2) responses to comments where no changes were made in the EI and final environmental document; and (3) responses where the changes were made in the EID (e.g., Section 5.4 was changed to address Agency X's comments).

The ERR should also include copies of the notifications. The Notification of Intent to Request Release Funds (NOI-RROF) should be utilized for CESTs, and the Notification of Finding of No Significant Impact/Request for Release of Funds (NOI-FONSI/NOI-RROF) should be utilized for FONSIs.[14] If the not ices were published, then please include an affidavit of publication and copy of the ad as well as a hard copy of the signed notices. If notices were posted, please include a list of where they were posted as agreed to in the community participation plan and photographs showing them posted.

Include copies of any public comments made as well as a comment/response document that characterizes how the Responsible Entity responded to the comments. If no comments were received, provide a slip sheet stating as such.

Finally, include any objections that the Division forwarded to the Responsible Entity as well as a comment/response document that characterizes how the Responsible Entity responded to these objections. If no objections were received, provide a slip sheet stating as such.

Certifying Officer Signatures and Process Order

As previously noted, documents must be signed by the designated Certifying Officer who attend the environmental training and passed the test. While the Division recommends that the RE send more than one person to training in case of future staff changes, it's important to note that **the same person must act as the Certifying Officer for all documents**. This person must sign the final environmental document, must be named as the Certifying Officer in the public notice, and must sign the RROF/Environmental Certification.

[14] If the project requires an EIS, please contact the Division for more information.

The order of events is also crucial. The Certifying Officer must sign and date the appropriate final environmental document before the public notice is published or posted. Then the public notice period must run with that same person listed as the Certifying Officer in the public notice. Finally, the RROF/Environmental Certification must be signed no sooner than the day after the public notice period ends by the Certifying Officer. See Figure 1.2 for a signature flow chart.

CDBG-I Final Environmental Documents

Once the EID is complete, the Responsible Entity must prepare a final environmental document. However, questions may arise as to which final environmental document to prepare. This section discusses how to make this determination. For any additional questions, please contact Division staff.

Determination of Final Environmental Documents

Unlike the State Environmental Policy Act (SEPA) minor construction activities and some National Environmental Policy Act (NEPA) minimum criteria, which are based upon the magnitude of environmental impact, HUD NEPA minimum criteria are based on project type. As a result, once a project is deemed to require a certain type of final environmental document, the final environmental document will not change.[15]

Figure 1.3 below shows a flowchart of how to determine what type of final environmental document is needed. Sections 1.3.2 through 1.3.5 provide more detail.

Certification of Exemption

Exempt status applies to activities that will have no impact on the environment.[16] Related to infrastructure, if CDBG-I funds are to be used only for engineering costs or design costs, then it is considered Exempt. This is rarely used, due to what the Division prioritizes for CDBG-I funding. If this is the case, then Preparer and Responsible Entity will need to prepare a Certificate of Exemption and submit it to the Division along with one hard copy of the ERR. The Division will then release the funds via the Authority to Use Grant Funds. Once the RE receives this document, then the Recipient may begin drawing down funds.

[15] The one exception may be for a CEST. Please see Section 1.3.3.2 below for more information.
[16] See 24 CFR 58.34 for the complete list of what activities may be considered Exempt.

Figure 1.2. Flowchart for Certifying Officer Signatures

Categorical Exclusions

Categorical Exclusions (CEs) fall into two categories, those that are subject to the authorities listed in 24 CFR 58.5 and those that are not subject to the authorities listed in 24 CFR 58.5. Sections 1.4.3.1 and 1.4.3.2 below discuss these two types of CEs.

Categorical Exclusion Not Subject to §58.5

Categorical exclusions that are not subject to 24 CFR 58.5 cover activities that are minor in nature and will have a negligible impact on the environment.[17] Related to infrastructure, it has been determined that only operations and maintenance costs would fall into this category. Therefore, it may be rarely used, if at all, due to what the Division prioritizes for CDBG-I funding. If a CENST is required, then the Preparer and Responsible Entity would submit the CENST to the Division along with one hard copy of the ERR. The Division will then release the funds via issuing the Authority to Use Grant Funds. Once the Recipient receives this document, then the Recipient may begin drawing down funds.

Categorical Exclusion Subject to §58.5

Categorical Exclusions that are subject to 24 CFR 58.5 cover projects that are replacement and rehabilitation projects that would increase capacity by 20 percent ***or less*** and, in the case of replacement, located in the same right-of-way or site place as the existing infrastructure. When creating these criteria, the HUD determined that such projects would have a relatively minor impact on the environment. However, to ensure that the impact is minor, they made it subject to the requirements found in 24 CFR 58.5.

The RE and Preparer would have to complete certain tables in the EID as well as appropriate agency scoping. Once the EID is completed, then they should determine via the results of the EID whether or not the project would trigger compliance with 24 CFR 58.5.

Conversion of a CEST to Exempt. ***Only if*** no compliance with 24 CFR 58.5 is triggered would a project be able to convert to Exempt. Determining whether compliance is triggered considers factors including, but not limited to, receiving agency comments with required mitigation, presence of floodplains or wetlands, or potential impacts to threatened or endangered species.
For example, if a pipe were being rehabilitated in an urban area that has recent residential land uses, then the results recorded in the EID might show that no impacts were anticipated and that compliance with 24 CFR 58.5 was not triggered. If this is the case, then the project would convert to Exempt. The RE and Preparer would still prepare the CEST as the final environmental document and will choose the language on the last page that indicates that the project converts to exempt. This document should be submitted to the Division along with one hard copy of the ERR, including the EID tables. The Division will then release the funds via the Authority to Use Grant Funds. Once the Recipient receives this document, then they may begin drawing down funds.

The Certificate of Exemption should NOT be used for CEST projects that convert to exempt.

[17] See 24 CFR 58.35(b) for a complete list of what activities require a CENST.

Note that the Certificate of Exemption should not be prepared for a project that is a CEST converting to Exempt. The language in the Certificate of Exemption is not correct for these types of projects.

A project might trigger compliance with at least one of the authorities listed in 24 CFR 58.5. For example, if the project includes work in a floodplain or wetland area, then the 8-step process is required and compliance with 24 CFR 58.5 is triggered. If this is the case, then the public notification requirements would be triggered, and proper notification would have to occur.
Please see Section 1.2.2.3 for more information related to the notification requirements. If this is the case, then after the public notification period is complete and all public comments are addressed, the RE and Preparer would complete the CEST and send it to the Division along with the RROF and one hard copy of the ERR. The Division would then complete the 15-day objection period, resolve any objections, and then release the funds via the Authority to Use Grant Funds.[18]

Finding of No Significant Impact/Environmental Assessment

In several situations, a project will require a FONSI based on the HUD minimum criteria, whose bright lines are very low. When a FONSI is needed, the potential for significant impact exists. In these situations, the environmental assessment determines the significance of the impact and lists what mitigation is needed to minimize these
impacts. A FONSI coupled with an EA is needed (FONSI/EA) to document the findings.

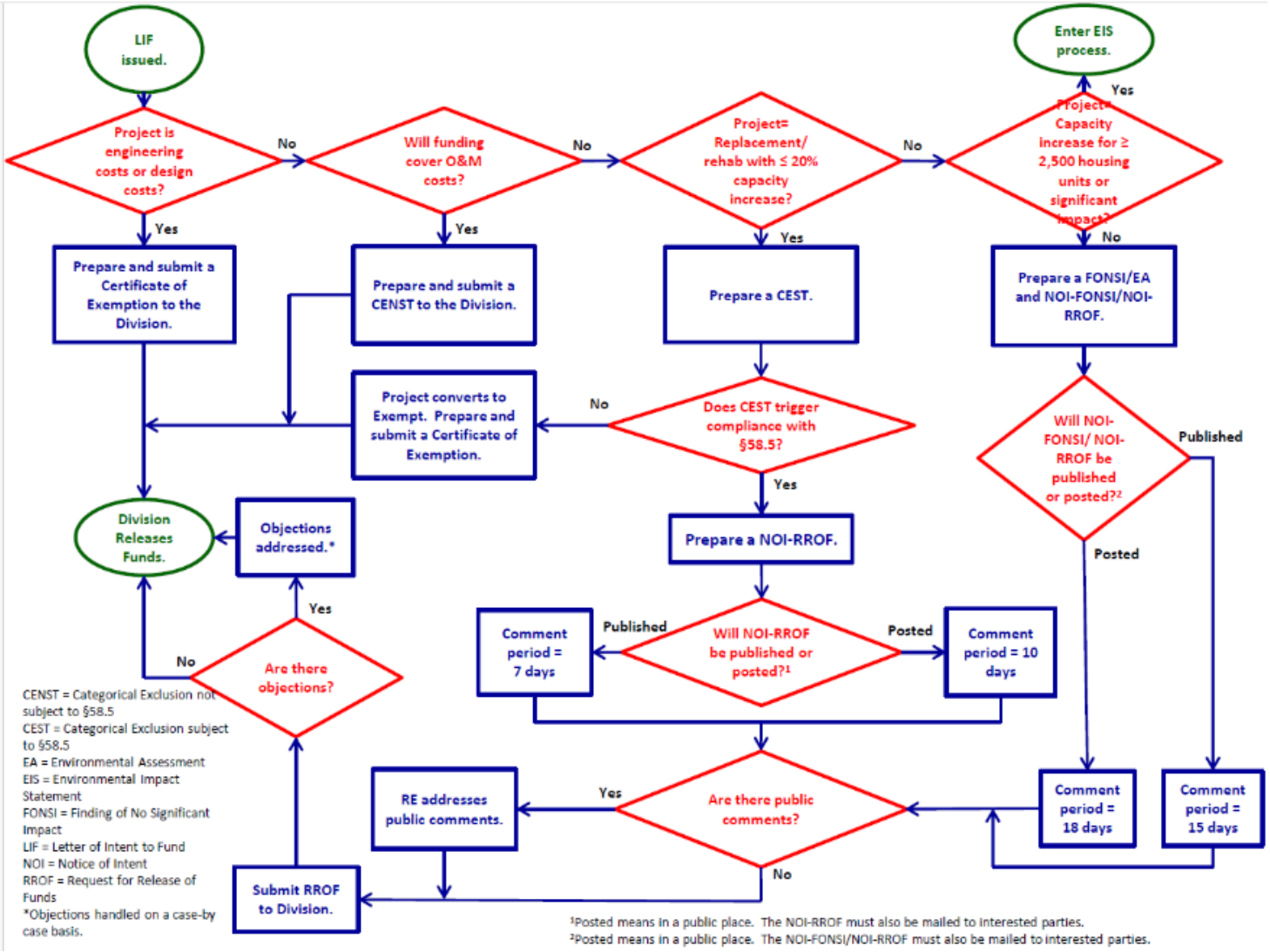
When preparing a project for submission, beware of the impacts of joint funding. For example, if a CDBG-I funds were utilized to fund a water line to 1,000 homes and additional funds were used to fund more length to the line to supply water to 2,600 homes, then the project in aggregate would be considered a ROD/EIS.

Related to infrastructure, any new collection lines or water lines would require a FONSI/EA, as would any rehabilitation activity that would increase capacity by ***greater than*** 20 percent. Replacement activities will require a FONSI if any part of the project extends to a different right-of-way or project site than the existing infrastructure. Additionally, any water treatment plant or
wastewater treatment plant expansion would require a FONSI/EA if the capacity increases more than 20 percent. **Note that capacity relates to the number of accounts rather than flow**. See Section 1.3.5 below as to what would trigger an environmental impact statement (EIS).

If a FONSI/EA is required, then the RE and Preparer would complete an EID as prescribed in Sections 3.0 and 4.0 and then would prepare a FONSI/EA based on that EID. Once the FONSI/EA and RROF are noticed concurrently, the RE and Preparer would address any public comments before submitting the FONSI/EA and RROF to the Division along with one hard copy of the ERR. The Division would then complete the 15-day objection period, resolve any objections, and release the funds via the Authority to Use Grant Funds.[19]

[18] If particular objections arise, the Division reserves the right to stop the project and withdraw funds. These situations will be handled on a case-by-case basis (see Table 1.3).
[19] Ibid.

Figure 1.3. Flowchart for the Determination of Final Environmental Document



Record of Decision/Environmental Impact Statement

In rare cases, a project may trigger a ROD and EIS. If a project will increase capacity by at least 2,500 housing units, then a ROD/EIS is required and must follow the procedures found in EPA regulations related to the Council of Environmental Quality. Additionally, if a project is deemed through the EID preparation process for a FONSI to contain significant impacts, then the project will shift to a ROD/EIS.

When preparing project applications for use with CDBG-I funds, avoid project scopes that state the addition of a number of new housing units close to the bright line (e.g., 2,500 new housing units). This is because future flow determinations may not be precise and can be debated (e.g., a project extending sewer to 2,495 homes).

The Division anticipates that a ROD/EIS will be extremely rare and encourages Recipients to carefully consider the work involved with an EIS before committing CDBG-I funds to a project. However, if a Recipient decides to move forward with a project that would require a ROD/EIS, the RE and Preparer must contact the Division to coordinate closely during EIS development.

Environmental Impacts Basic Information

Introduction

A project[20] funded through the CDBG-I program is subject to the HUD NEPA compliance process outlined at 24 CFR Part 58. The EID is part of the ERR, which is a project file that contains the EID, final environmental documents, and other documentation required during the environmental review process. More information on the ERR may be found in Section 1.2.2.8.

For additional information, refer to EPA's NEPA Homepage and associated regulations and HUD's Environmental Review Requirements.

The remainder of this section provides information related to the scope of impacts and how to prepare the EID. Section 3 will then discuss specifics related to each resource category.

Scope of Impacts

When constructing a project, three types of impacts must be documented in the EID. These impacts are as follows:

Benefits – Environmental impacts that result in a positive outcome

- Direct impacts
- Secondary impacts
- Cumulative impacts

[20] A project is an activity, or a group of integrally related activities designed by the recipient to accomplish, in whole or in part, a specific objective (24 CFR 58.2(a)(4)). An activity is an action that a grantee or recipient puts forth as part of an assisted project, regardless of whether the cost is to be borne by the HUD assistance or is an eligible expense under the HUD assistance program (24 CFR 58.2(a)(1). When completing an environmental review, the responsible entity must group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions (24 CFR 58.32).

Secondary and cumulative impacts (SCI) are often assessed jointly. The different types of impacts, as well as the scope of impacts that must be considered, are discussed in this section. Environmental impacts can be both positive (hereafter known as benefits) and negative (hereafter known as impacts). The EID should include a discussion of both impacts and benefits. The DEQ's *Guidance for Preparing SEPA Documents and Addressing Secondary and Cumulative Impacts* is a resource with additional information on SCI and it provides guidance that may assist with completion of EIDs prepared under NEPA; however, it should be noted that compliance with SEPA is not a substitute for compliance with NEPA. Additionally, when considering cumulative impacts under NEPA, review and implement the information in *Considering Cumulative Effects under the National Environmental Policy Act*, which is published by the Council of Environmental Quality.

Direct Impacts

Direct impacts are those effects on the environment that occur at the same time and place as the project. They are the most certain and predictable of the impacts. Direct impacts include impacts from construction-related activities as well as impacts related to operation of a newly constructed or modified facility upon completion of construction. The EID must address direct impacts.
Direct impacts are typically the easiest to identify. Examples of direct impacts include the following:

- Displacement of wildlife due to forest clearing associated with construction projects.
- Air emissions from open burning during construction.
- Aquatic habitat degradation from installation of a sewer pipe crossing a stream.
- Increased nutrient loading in a river from a wastewater treatment plant discharge.
- Odors from a wastewater treatment plant.

Direct Impacts – Those effects on the environment that occur at the same time and place as the project.

Direct impacts include impacts from construction activities as well as operational impacts that continue when the construction is completed and the project is functional.

Construction impacts include such things as air emissions from construction vehicle traffic, soil disturbance, sedimentation and erosion, and land clearing activities.

Operational impacts include such things as increased noise from generators or other equipment in use after construction is completed, odors associated with pump stations, increased effluent discharge to a stream from a plant expansion, and improved water quality due to a stream restoration project.

Secondary Impacts

Secondary impacts are effects to the environment and natural resources that are more removed in time and distance from a project's construction and operation activities. Secondary impacts are also called "indirect impacts" and are often thought of as chain reaction processes where one action or result leads to another action or result. NEPA regulations (40 CFR 1508.8) define secondary impacts as

Secondary impacts (indirect impacts) – Effects to the environment and natural resources that are more removed in time and distance from a project's construction and operation activities.

> *...indirect effects, which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in*

the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Secondary impacts associated with infrastructure projects are often related to residential, commercial, and industrial growth that the infrastructure project supports. For example, after sewer service is extended into an unsewered area, a subdivision might be built. The paved roads and other impervious services in the new subdivision may increase the level of pollutants in a nearby stream due to runoff. The decreased water quality that results in the stream is not directly related to the construction or operation of the sewer system, but it is indirectly related to the project because the expanded sewer system supported development of the new subdivision.

Cumulative Impacts

Cumulative impacts are those effects that result from the project's direct impacts when added together with impacts from other past, present, and future projects that can be reasonably predicted. NEPA regulations define cumulative impacts as "*the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time*."

Cumulative impacts – Those effects that result from the project's direct impacts added together with impacts from other past, present, and future projects that can be reasonably predicted.

Evaluating cumulative impacts requires analysis of the "big picture" in terms of time and space. Consider the following example: run-off from parking areas surrounding a single shopping center might not be a significant stressor to the receiving stream, but the combined run-off from multiple shopping centers located in the same watershed can become a significant stressor. Another example would be where a combination of wastewater infrastructure projects in the same river basin could create nutrient issues downstream. Cumulative impacts are an issue that must be considered any time that growth is anticipated in the project area, even if that growth is not facilitated by or connected to the proposed project. If impacts from a proposed project are minor and limited to construction only, they are less likely to contribute to cumulative impacts in the broader project area. Note, however, that even minor impacts may be significant to a cumulative impacts analysis if those impacts are permanent in nature because minor permanent impacts from multiple projects can become significant when considered together.

Cumulative impacts must be considered and discussed for any project that takes place in an area experiencing growth and development, even if the proposed project is not an expansion project.

Benefits: In some cases, cumulative impacts may be positive. For example, if, in a watershed, several stream and wetland restorations are implemented in the headwaters of the watershed, then nutrient

In some cases, cumulative impacts may be positive. These project benefits should also be considered when evaluating overall environmental impact of a project.

loadings and siltation may be reduced downstream. Projects that repair leaking sewer lines or replace failing septic tanks also have benefits.

Scope of Impacts

Scope of impacts – The area that should be investigated to identify impacts to various resources that are included in the impact analysis.

Service area – The area served by the collection system and/or wastewater treatment plant and/or the water distribution system and/or water treatment plant.

The other factor to consider when evaluating impacts of the project is the scope of impacts. The scope of impacts is the area that should be investigated to identify impacts to various resources that are included in the impact analysis. The scope of impacts for direct impacts is more narrowly focused because it deals with impacts that occur in close proximity to the project. The scope of impacts for SCI is typically broader and will include areas that will be impacted by future growth/development in areas surrounding the project site. Table 2.1 below identifies the scope of impacts that should be considered for direct impacts and SCI for each resource category. Note, however, that related activities must be properly aggregated and the "project site" may be expanded to include all construction areas for the aggregated project.

Table 2.1 Scope of Impacts for Resource Categories

Resource Category	Direct Impacts	SCI
Topography a	Project Site	Existing and expanded Service Area
Floodplains	Project Site	Existing and expanded Service Area
Soils	Project Site	Existing and expanded Service Area
Prime and Unique Farmland	Project Site	Existing and expanded Service Area
Land Use	Project Site	Existing and expanded Service Area
Forest Resources	Project Site	Existing and expanded service area
Wetlands	Project Site and Subbasins/watershed downstream of the project	Subbasin/watershed containing the existing and expanded service area as well as areas downstream
Streams and Water Resources	Subbasin/Watershed containing the project and downstream (for surface water) and aquifer below the project (for groundwater)	Subbasin/Watershed containing the project and expanded service area as well as areas downstream (for surface water) and aquifer below the project and expanded service areas (for groundwater)
Shellfish or Fish and Their Habitats	Subbasin/Watershed containing the project and downstream	Subbasin/Watershed containing the existing and expanded service areas
Wildlife and Natural Vegetation	Project Site and T&E species adjacent to site	Existing and expanded service area
Public Lands, Scenic & Recreational Areas	Project site and areas immediately adjacent to the project site	Existing and expanded Service Area

Table 2.1 Scope of Impacts for Resource Categories		
Resource Category	**Direct Impacts**	**SCI**
Areas of Archaeological or Historical Value	Project Site and areas immediately adjacent to the project site.	Existing and expanded Service Area
Air Quality	Area immediately adjacent to site and area downwind of the project (area downwind of the project is included for operational impacts, not construction impacts)	Region containing the project site
Noise Levels	Project Site and area adjacent to the project (area adjacent to the project is included for operational impacts, not construction impacts)	Existing and expanded service area
Introduction of Toxic Substances	Project Site	Not applicable

Mitigative Measures

Mitigative measures – Actions taken to minimize or eliminate impacts to the environment and natural resources.

For any potential impacts identified in the sections above, mitigative measures must be discussed. Mitigative measures may include actions specifically taken or actions deliberately avoided or limited in order to minimize impacts. Mitigative measures may also include actions taken to repair or compensate for damage done. Some specific examples of mitigative measures that might be applicable to a project include the following:

- Adhering to the requirements of a sedimentation and erosion control permit.
- Conducting construction activities during daytime hours only to minimize impacts from noise on residential areas.
- Constructing wetland habitats in a nearby area to replace wetlands that are filled.
- Maintaining buffers that exceed regulatory requirements.
- Installing an air pollution control device to minimize odors.

Preparing the Environmental Information Document

The EID must include the existing environmental characteristics, predicted environmental effects, and mitigative measures. Many of the requirements for the EID are based on the North Carolina Department of Administration's (DOA's) Environmental Assessment Guidelines and HUD's Environmental Review. The EID will consist of tables and related appendices. It will be part of the ERR. Each item that must be included is discussed in further detail below.

The EID will include a series of tables for different environmental resources and regulatory requirements. All of the tables must be completed for projects that require a FONSI or EIS. Only certain tables must be completed for Categorically Excluded projects, even those that convert to Exempt. The top of each table indicates which types of project must have the table completed. Many of the tables have a similar format to summarize information regarding the existing environment, anticipated impacts, mitigative measures, and documentation of sources that were consulted for information, but each table is adapted to collect the appropriate information for that category. The EID includes the following resource categories:[21]

- Table 1.1 Topography
- Table 2.1 Floodplain Management and Flood Disaster Protection Act
  Table 2.2 Floodplains – 8 Step Process
- Table 3.1 Soils
- Table 4.1 Prime and Unique Farmland
  Table 5.1 Land Use
- Table 6.1 Wild & Scenic Rivers
  Table 7.1 Wetlands
- Table 7.2 Wetland Crossings
- Table 7.3 Wetlands – 8 Step Process
- Table 8.1 Streams and Water Resources
- Table 8.2 Stream Crossings
- Table 9.1 Endangered Species
- Table 10.1 Wildlife, Natural Vegetation, and Forest Resources
- Table 11.1 Community Facilities
- Table 12.1 Historic Preservation
  Table 13.1 Air Quality
- Table 14.1 Noise Levels and Noise Abatement and Control
  Table 15.1 Energy Consumption
- Table 16.1 Site Safety
- Table 17.1 Coastal Resources
- Table 18.1 Environmental Design

Figures in the Environmental Information Document

When appropriate, utilize figures to help describe the project. They are helpful for those who are visually oriented to gain a quick understanding of the project. Figures are also an easy way to describe the project and convey the location of associated resources and potential impacts.

A title, North Arrow, scale, and either a legend or labels to present information must be included in each figure. Each figure must also show the project components.

Figures should not be embedded in the text of the EID but rather shown on a page a minimum size of 8.5 x 11 inches. Make sure that the figure is at an appropriate scale to show the required information. For example, a project vicinity map would be at a greater scale than a project location map that shows the details. If a project is a large project such as a major interceptor or water distribution line, multiple maps may be required. If this is the case, provide an index map that shows the location of the different tiles in respect to the entire project. When preparing mapping, utilize 8.5 x 11-inch or 11 x 17-inch paper rather than larger sizes because larger maps have to be folded, may fall out, and may become lost during the review of the project.

[21] Table numbering may be altered as needed depending upon the type of final environmental document required. For example, fewer tables are needed for a CEST than an EA/FONSI.

When preparing figures, utilize the following tips:

- **Show Project Location**. Be sure to mark the project location on all figures in the EID.
- **Consistent base mapping.** Throughout all of the figures in the EID, utilize a base mapping set that is easy to read. For example, if a set of roadway mapping is utilized as base mapping, carry out that base mapping throughout the remainder of the EID.
- **Good color contrasts.** Make sure that all features on the figures have good contrast so that they are easy to discern. Use colors that are discernible. For example, do not use blue and green and then blue-green, as it may be difficult to determine the individual features. Utilize shapes that have contrasts as well such as circles and triangles rather than circles and octagons.
- **Aerial photography.** If aerial photography is used as base mapping, it is recommended that black and white photography be used instead of color photography. This will allow any features shown in color to be easily discernible.
- **Good labeling.** Make sure to utilize good labeling or a good legend to differentiate between the different features of the figures.

Project Vicinity Map. One of the required maps is the project vicinity map. The project vicinity map allows the reviewer to gain a general understanding of the project area and is critical to the review of the project since the reviewer most likely is not familiar with the area. The vicinity map should be at an appropriate scale and should show the project, county/municipal limits as appropriate, major highways, and major waterbodies with the highways and waterbodies labeled. Please note that the project vicinity map may be used for environmental documents prepared by the RE for public notification and for agency scoping purposes.

Project Location Map. The second required map is the project location map. This map should be at a closer scale than the project vicinity map. It should show the following:

- Individual project components
- Waterbodies
- Roadways
- County/Municipal limits

If a roadway or waterbody is mentioned in the text, then it should be appropriately labeled on the figure for appropriate reference. The preferred format for a project location map is a United States Geological Survey (USGS) topographic map with the project location and each component (e.g., WWTP expansion and collection system improvements) clearly marked. However, if other mapping would better suit showing the project, then it may be used so long as the above-stated components are shown.

At a minimum, the EID must contain a project vicinity map, a project location figure, and an Environmental Features figure(s). Additionally, other figures may be required depending upon the project type. The sections specific to project type will contain requirements for these specific figures.

Environmental features must be shown on one or more figures as part of the Existing Environment section of the EID. For some projects, a single Environmental Features Figure

may be used to show the project area and components as well as any key environmental items that are relevant to the specific project. In other cases, the features may be more clearly shown by using separate figures for each type of feature rather than combining everything onto one figure.

Either option is acceptable as long as all key environmental features are clearly labeled. The most recent data must be used to create these figures.

Labeling of project location, roadways, and water bodies is crucial for all figures.

Example items to include on the figures include location of parks or public areas, wetlands and streams, identified locations of threatened and endangered (T&E) species, areas of archaeological or historical value, or any other feature deemed important. All figures must include a figure number and title, scale, North Arrow, and a legend or labeling to clearly identify the various components included on the figure.

Introduction to Existing Conditions and Environmental Impacts

For each resource category described in Section 4.0, provide information on the existing environmental conditions and anticipated impacts as shown in each table. If there are no existing resources within a particular category, state as such rather than skipping the section.

Existing Conditions

The existing conditions sections should describe the immediate project site and surrounding project area as it currently exists. Two mistakes that are commonly made with the existing conditions section are (1) describing only the resources that will be impacted by the project,
and (2) describing only the immediate project site. All resources must be addressed, whether impacted by the project or not, and the surrounding project area must be included. Refer to Table 2.1 for additional information on Scope of Impacts that should be addressed.

All resource categories must be described under existing conditions regardless of anticipated impacts. "Not Applicable" or "No Impacts" are not acceptable responses for existing conditions descriptions.

Environmental Impacts and Mitigation

The expected environmental impacts sections are the most critical part of the EID. As discussed in Section 2.0, the EID must address direct impacts, secondary impacts, and cumulative impacts. For each resource category, mark the appropriate impact code for each impact type as follows:

- No Impact Anticipated: The project is not expected to have any impacts; therefore, no additional analysis of impacts or identification of mitigation efforts is needed
- Potentially Beneficial: The project is anticipated to have environmental benefits and does not require additional analysis of impacts or identification of mitigation efforts
- Potentially Adverse: Quick review indicates that adverse impacts are possible. Note whether additional analysis is needed
- Requires Mitigation: The project has the potential for adverse impacts. Mitigative measures must be clearly described.

- Requires Project Modification: There is an opportunity to identify needed changes in the project during development of the EID. Such changes should be identified prior to finalization. (This category may be checked in draft documents, but changes should be made, and appropriate mitigation identified prior to finalization.)

All resource categories discussed in Section 4.0 must be addressed in the EID.

In the discussion for each resource, explain the rationale for the chosen impact code. For example, if there will be no impacts to land use, briefly explain why that is the case. *"N/A" or "No Impact" is not an acceptable response for an impact discussion. At a minimum, the discussion must state that the resource is not present based upon review of or consultation with qualified date sources.* Consider the scope of impacts as discussed in Section 2.2.4 in preparing the discussion for each resource. For SCI, utilize the *Guidance for Preparing SEPA Documents and Addressing Secondary and Cumulative Impacts* for the basis of the discussion and tailor the information in the guidance to fit each category. Refer to Table 2.1 for additional information on Scope of Impacts that should be addressed.

Keep in mind that a project can produce both environmental impacts and benefits. The focus of many EIDs tends to be on potentially negative impacts, but benefits should be discussed as well. Note, also, that temporary impacts related to construction activities must be described as well as any permanent impacts.

Mitigative measures – Actions taken to minimize or eliminate impacts to the environment and natural resources.

For any potential impacts identified in the sections above, mitigative measures must be discussed. Mitigative measures may include actions specifically taken or actions deliberately avoided or limited to minimize impacts. Mitigative measures may also include actions taken to repair or compensate for damage done. Some specific examples of mitigative measures that might be applicable to a project include the following:

- Adhering to the requirements of a sedimentation and erosion control permit.
- Conducting construction activities during daytime hours only to minimize impacts from noise on residential areas.
- Constructing wetland habitats in a nearby area to replace wetlands that are filled.
- Maintaining buffers that exceed regulatory requirements.
- Installing an air pollution control device to minimize odors.

Requirements

If correspondence has been received from review agencies indicating that concurrence with the project is dependent upon certain mitigative measures, be sure to include such measures in this table and/or discussion.

Use the tables provided in Appendix D to identify clearly the potential impact and the associated mitigative measure(s). If additional explanation is needed, include text discussion in addition to the table.
Quantify impacts whenever possible. If no impacts have been identified, indicate "none" for impacts and "not applicable "N/A" for mitigative measures.

Sources Consulted

For each table, provide a list of sources that were consulted for information needed to complete the table including the date of consultation and/or correspondence. Also provide the

appendix or other reference information for documentation in the ER/EID.

Environmental Information Document Resource Categories

The EID contains 19 resource categories that must be analyzed as part of the EID. Each section will contain in bold print the type of document (e.g., CEST, FONSI) for which the tables are found in Appendix D. All tables for the appropriate final environmental document must be completed in accordance with the information below.

Topography

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 1.1 in Appendix D and place in the body of the EID.
- Include any additional information in an appendix to the EID. List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

Existing Conditions

Check the appropriate box for the Physiographic Province of the project and provide the minimum and maximum elevation of the project site in the appropriate boxes.

Briefly describe the topography of the project site and area, including landforms, slopes, and elevations. Include a brief description of the geology of the area. Note any significant geological features

Impacts and Mitigation

For direct construction impacts, describe how the project will change existing topography on the project site. Note whether changes, if any, will be temporary or permanent.

For SCI, discuss the changes in topography in the existing and expanded service area which will be impacted by the project.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Floodplain Management [24 CFR 58.5(b)(1)]

Requirements

- Complete Table 2.1 in Appendix D and place in the body of the EID.
- If Table 2.2 in Appendix D is required, please complete that and add it to the EID as well to show that the 8-step process as delineated in the table was completed.
- Include floodplain location on a figure. List the figure number in the table.

- Include any additional information in an appendix to the EID. List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

Floodplains Existing Conditions [24 CFR 58.5(b)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Answer the questions related to the project's location in relation to the floodplain.

Determine if the project is in the FFRMS floodplain. [24 CFR 55.7]

The Final Rule for FFRMS, effective June 24, 2024, changed how the floodplain of concern is defined. There is a 3-tiered approach to determine the FFRMS floodplain for your project area. The tiered approach means you start with the first method, if there is not sufficient data available, then continue to the next method.

FFRMS – Federal Flood Risk Management Standard, a flood standard that considers future flood risks from climate change.

Base Flood Elevation – The areas that are expected to be inundated by the 1% annual chance flood (100-year floodplain).

0.2% Annual Chance of Flood risk – this was previously known as the 500-year Floodplain.

Floodway – The channel of a stream, plus any adjacent floodplain areas, that must be kept free from encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

Critical Action - any activity for which even a slight chance of flooding is too great. Examples include, but are not limited to, hospitals, hazardous waste treatment facilities, schools, water treatment plants. In determining critical actions, the emphasis is on increased hazard to life and health rather than property damage.

1. CISA Maps
   Climate Informed Science Approach maps are based on climate science and look at future predictions for flooding. They are more accurate than FIRM maps and will be updated more often.

   CISA maps have not be adopted by HUD yet. There is an available mapping application tool that is beta-test mode, the Federal Flood Standard Support Tool. (floodstandard.climate.gov/tool)

   The tool uses forecasting years; the minimum is 30 years; it is recommended to use the number of years for the expected life of the project.

2. 0.2% Annual Chance of Flood
   This approach can be used if the 0.2 Annual Chance of Flood data (500-year floodplain) is available for the project area.

3. Freeboard Value Approach
   This is the modification to the Base Flood Elevation. The amount of modification is based on if the project is a non-critical or critical action. If it is a non-critical action, 2 feet is added to the BFE. For critical actions, 3 feet is added.

Answer the questions related to the project's location in relation to the floodplain. If the project, as determined by review of the appropriate data sources identified at 24 CFR 55.7, is within or near the FFRMS floodplain, provide a map showing the location of the project relative to the FFRMS floodplain. The map must clearly delineate where the project is located in relation to the floodplain. The map must also have a scale, legend, number and title, and North Arrow. Indicate

which method was used on the map. The North Carolina Flood Risk Information System (FRIS)has digital flood plain data available for possible use in analysis.

If construction will occur in the FFRMS floodplain, the 8-step Review Process is required.

8-Step notices must be published, not posted. It can be published in a local newspaper, or on a relevant government website. They can be combined with other published notices but cannot be run concurrently with separate notices.

Utility lines (water, sewer, electric, etc.) and appurtenances are now allowed in the floodway in addition to de minimis improvements, removal of improvements, and functionally dependent uses [See 24 CFR 55.8(a)(1)(ii)(A)].

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Additional information on the 8-step process is available on HUD's Environmental Review webpage.

Note that 8-step process requires two public notices: an early notice at the beginning of the review process, and a final notice before the project is implemented. The notices for the 8-step process must be published in a local newspaper and on a government website. The final notice can be combined with the NOI-RROF. If combined, the combined notice must be published. If the notices are not combined, the public comment period for the final 8-step notice must be concluded before the NOI-RROF is published or posted. Separate notices may not be run concurrently.

Impacts and Mitigation [24 CFR 58.5(b)& 24 CFR 55.20]

Note: This section applies to projects requiring the following: CEST, FONSI.

CDBG-I funds cannot be used to fund projects where water and sewer lines will be installed in the floodway with open cutting. Installation methods that go underneath the floodway without disturbing it, such as directional drilling, are allowed.

For direct construction impacts, describe how the project will impact floodplains. Note whether changes, if any, will be temporary or permanent. Identify encroachments of the project on floodplains and floodways. Discuss whether the construction of the proposed project will impact the FFRMS floodplain and discuss how any buildings or infrastructure built in the floodplain will be protected.

For critical actions, an early warning system must be implemented and maintained for all facility occupants.

For projects funded through the CDBG-I programs where there are proposed impacts to the FFRMS floodplain (see Executive Order 11988), alternatives to the impact must be provided in the alternatives analysis. Include the costs of flood insurance and potential property losses in an economic consideration of alternatives. Impacts to the floodplain are only allowed where there is no practicable alternative. Clearly explain why alternatives that would not impact the floodplain were rejected. If an Elevation or Floodproofing certificate is needed, include it in the ERR. It must use the FFRMS floodplain for the minimum elevation.

For SCI, note if there is a local floodway regulation program in place for the service area. Specify whether any local ordinances restrict building in the floodplain or the floodway.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Reevaluation of alternatives should include the following. If the project is located near EJ community, reevaluated alternatives must address public input provided during the public outreach process. If input is provided, document how the activity reduces historical environmental disparities related to flood risk in the community.

Soils

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 3.1 in Appendix D and place in the body of the EID.
- Include a Natural Resources Conservation Service (NRCS) map as discussed in Section 4.3.1. List the appropriate figure reference in the table.
- Include any additional information in an appendix to the EID. List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

Existing Conditions

Describe the characteristics of the dominant soil units in the project area (do not simply list the soil types) and note whether any soil types present a constraint to the project. This would include any fill, wetland soil types, etc. Note any soil contamination that exists. Provide the NRCS Soil Survey map of the project area. It must include a clear differentiation of each soil type via a legend or labeling. The map must also include a scale, number and title, and North Arrow. The North Carolina Center for Geographic Information and Analysis (NCCGIA) has links to digital layers of soils information. The NRCS also has large amounts of soil information available.

Impacts and Mitigation

For direct construction impacts, discuss whether the project will involve soil disturbance or contamination. Discuss the extent to which soil will be disturbed. If soil will be moved, identify the location to which it will be moved if known, or discuss contractor responsibilities with regard to moving or disposing of soil. Note whether soil is expected to be contaminated and describe the contamination if it is expected. Provide quantitative information (i.e., square feet to be disturbed or cubic yards to be moved) if known, but a qualitative discussion is also acceptable.

For SCI, describe how soils will be impacted in the existing and expanded service area, especially in terms of past, present, and future soil erosion due to the proposed project. For example, if a WWTP were being built that would expand the service area, then the discussion of SCI would need to detail historical soil erosion trends as well as discuss the impacts that the project will have on soil erosion in the future. Discuss any turbidity stream violations that have occurred in the project area.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Prime or Unique Farmland [24 CFR 58.5(h)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 4.1 in Appendix D and place in the body of the EID.
- Define any prime or unique farmlands on the NRCS map discussed in Section 4.4.1.
- If the project will convert prime or unique farmlands, complete and attach the appropriate USDA's Farmland Conversion Impact Form 1006 and submit it to the NRCS.
- Provide a list of sources consulted for completing the table.

Existing Conditions

Respond to the questions pertaining to farmland in the project area. Note whether any lands designated as prime or unique farmland by NRCS are in the project area or if drainage from the project will impact farmland. If such lands are located in the area, indicate whether they are currently in agricultural use or other land use. If prime or unique farmland exists in the area, note the location on the figure. Information from the NRCS may be helpful.

Impacts and Mitigation

Describe any benefits or impacts to farmlands resulting from project construction or operation. Note whether impacted lands are currently in agricultural use. If the project will convert prime or unique farmlands, complete Form 1006 and submit it to the NRCS. Complete the section of the table related to this form.

For SCI, discuss past trends related to prime or unique farmland being taken out of agricultural production. For the future, discuss the impacts of the proposed project on any prime or unique farmland in the existing and expanded service area, especially in terms of land being currently used for agricultural production. If possible, provide a quantitative estimate of the amount of land currently in agricultural production that will be lost.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Land Use

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 5.1 in Appendix D and place in the body of the EID.
- If possible, provide a land use figure as discussed in Section 4.5.1. List the figure reference in the table.

- Place any supporting information in an appendix of the EID. List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

Existing Conditions

Describe the current land use at the project site and in the project area. Discuss how the current land use of the project site fits into the land use of the region in terms of conservation, development, and ecological function. Provide the current zoning classification of the project site if applicable. A land use figure is not required but is recommended if relevant for the specific project. If a figure is included, be sure that it includes clear differentiation of each land use type via a legend or labeling. The figure must also contain a scale, number and title, and North Arrow. If utilizing a geographic information system (GIS), check with the county or UGLG's planning department for further information.

Impacts and Mitigation

For direct construction and operational impacts, discuss how land use on the project site will change, and how the new use fits into the intended land use of the entire area in terms of conservation, development, ecological function and quality of life. Identify whether local zoning or land use plans need to be changed.

For SCI, explain how land use in the existing and expanded service area is expected to change as a result of the project. Discuss whether new uses fit the intended land use of the entire area in terms of conservation, development, ecological function, and quality of life. Note whether local zoning or land use patterns will be changed as a result of the project.

Secondary and cumulative impacts often come into play with projects that are driven by growth.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Wild and Scenic Rivers [24 CFR 58.5(f)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 6.1 in Appendix D and place in the body of the EID.
- Include any supporting information in an appendix to the EID. List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

Existing Conditions

Utilize the website for National Wild and Scenic Rivers System to determine if any designated streams are located in the project area.

Impacts and Mitigation

If there are designated Wild and Scenic Rivers within one mile of the project site, describe any construction and operational impacts. If impacts are anticipated, you must consult with the U.S. Fish and Wildlife Service to determine if mitigation is required.

Discuss any mitigation that will be implemented as determined by the U.S. Fish and Wildlife Service.

Executive Order 11990 Wetlands [24 CFR 58.5(b)(2)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 7.1 in Appendix D and place in the body of the EID.
- Complete Table 7.2 in Appendix D and place in the body of the EID if the project includes any wetland, even if crossings will not have any net impact.
- Complete Table 7.3 in Appendix D and place in the body of the EID if the 8-step process is required.
- Show any wetlands impacts in a figure. List the figure reference in the table.
- List any supporting information for either table in an appendix of the EID.

Existing Conditions

Conduct a site visit to the project area and note in Table 7.1 the date of the site visit. If wetland delineations occurred, check the appropriate box and note the date as well. Additionally use the National Wetlands Inventory to verify if the project is in proximity to a wetland. These are the primary methods of screening for wetlands.

If primary screening is inconclusive, potential wetlands should be evaluated using one or more of the following methods. Consultation with U.S. Fish and Wildlife Service, reference NRCS's National Soil Survey, or evaluation by a qualified wetlands scientist to delineate the wetlands. [See 24 CFR 55.9]

Note whether any Executive Order 11990 wetlands are present in the project area and identify if and when delineations occurred, if applicable. Discuss the type, quality, function (e.g., flood control, wildlife habitat, groundwater recharge), and relative importance of wetlands in the project area to the total wetland resources of the area.

Be aware that the NWI database is limited to remotely sensed wetlands, thus it does not provide specific site boundaries, or include all wetlands. It is strongly encouraged that a preliminary survey be conducted to flag areas of concern. If wetlands impacts appear to be likely to occur, delineations will be required for permitting.

If new construction, as defined by Executive Order 11990, will affect any Executive Order 11990 wetlands, the 8-step Review Process is required.. New construction includes draining, dredging, filling, impounding, channelizing, and other actions. Complete Table 7.3 with the details of the process including dates of public review, consideration of alternatives, discussion of impacts, and measures to minimize impacts. See Section 4.7.2 of this guidance for more information on this process.

Note the location of wetlands on a figure showing the locations of wetlands and streams identified in this section. NCOneMap[22] has a digital layer of the National Wetland Inventory

(NWI) maps available for download, as does the U.S. Fish and Wildlife Service (FWS).

Streams and wetlands must be shown on a figure with all crossings labeled.

[22] Note that the NWI map is a static map and not updated.

Impacts and Mitigation

For direct construction impacts, discuss the impacts to wetlands and streams as a result of project construction and long-term operation.

This also includes indirect effects to wetlands by modifying the flow of stormwater, releasing pollutants or changing the conditions that contribute to wetland viability. [See 24 CFR 55.10] If the project will result in new construction, as defined by Executive Order 11990, that affects a wetland, then indicate how many acres are involved and note the location on the figure. *Crossings that will have no or minimal impacts such as direct bore must be included.* As part of mitigative measures, discuss the type of authorization/permit that will be required for the project and document consultation with U.S. Army Corps of Engineers.

For projects that involve the construction of collection systems or reclaimed water distribution lines, complete Table 7.2 with the following information for each crossing:

- The wetland crossing identified by a number
- The diameter and type of line that will be installed
- The installation method
- The acreage (wetlands) impacted (Total the impacts at the bottom of the table.)

For direct operational impacts, discuss whether the operation of the project will have any impacts or benefits on subbasins or watersheds downstream of the proposed project. For example, expanding a WWTP might remove a discharge upstream of an impaired stream, which would improve the quality of a stream not in the vicinity of the proposed project by reducing the nutrient loading.

For projects funded through the CDBG-I program where new construction, as defined by Executive Order 11990, will occur in Executive Order 11990 wetlands (see Executive Order 11990 and 24 CFR Part 55), alternatives to the impacts must be provided in the alternatives analysis. Describe how impacts to wetlands have been avoided and minimized and discuss why alternatives that would have lesser impacts to wetlands have been rejected.

For SCI, consider the long-term impacts to wetlands that may result from diversion from, discharge to, or withdrawal from surface waters upstream of wetlands areas. Additionally, discuss past trends related to the loss/gain of wetlands in the subbasin(s) or watershed(s) for the existing and expanded service area. Describe any potential losses or gains in the future as a result of the proposed project. If possible, provide an estimate of the wetlands that may be gained or lost.

Streams and Water Resources

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 8.1 in Appendix D and place in the body of the EID.
- Complete Table 8.2 in Appendix D and place in the body of the EID if the project includes any wetland, even if crossings will not have any net impact.
- Show any stream crossings impacts in a figure. List the figure reference in the table.
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.
- List any supporting information for either table in an appendix of the EID.

Existing Conditions

Discuss surface water and groundwater resources in the project area and surface waters downstream. For surface waters, include the name, classification, and use support ratings. Also identify the river basin where the project is located. If there are unnamed streams in the project area, briefly describe them. Note the location of surface waters identified in this section on a figure. The North Carolina Division of Water Resources (DWR) has information that is helpful for this section.

For groundwater, discuss the use, quantity, quality, depth, and recharge of groundwater in the project area, and identify the primary aquifer(s) in the project area. Specifically discuss any capacity use areas in the project area. Identify the primary source(s) of drinking water in the project area. This information must be included even if groundwater impacts are not anticipated.

Provide the UGLG water supply, including the source from which water is drawn.

Note the location of streams on a figure showing the locations of streams identified in this section. NCOneMap[23] has a digital layer of the NWI maps available for download, as does the FWS.

As noted in the table, North Carolina does not have Sole Source Aquifers, so no action is required.

Impacts and Mitigation

Note that water resources impacts may be both negative and positive.

Describe the direct construction impacts to surface waters in the subbasin/watershed containing the project and downstream of the project in terms of *water quality and quantity* and whether there is the potential for stormwater runoff increases due to an increase in the amount of impervious surface. Identify the amount of impervious surfaces increase.
Discuss any construction impacts to groundwater quality and quantity.

Also, characterize the direct long-term operational impacts of the project. Be sure to consider issues such as increased sedimentation and stormwater runoff as well as impacts to surface water and groundwater quality and quantity. For example, a stormwater project might create

erosion concerns while it is being built, but once constructed, it would reduce the amount of turbidity in a nearby stream.

For projects that involve the construction of collection systems or reclaimed water distribution lines, complete Table 8.2 with the following information for each crossing:

- The stream crossing identified by a number
- The diameter and type of line that will be installed
- The installation method
- The linear feet (streams) impacted (Total the impacts at the bottom of the table.)

For SCI, consider changes to water quality within the subbasin/watershed containing the proposed project and expanded service area, including impacts on erosion rates, sedimentation, and eutrophication. Note past and future trends related to water quality and stormwater runoff (e.g., increase in impervious surfaces). If possible, estimate the expected percent impervious surfaces area increase or decrease in the area.

For example, constructing a collection system to take failing septic systems offline could cause potential adverse construction impacts related to erosion and sedimentation entering nearby waterways. However, the operational impacts would reduce the amount of fecal coliform entering nearby surface waters. For SCI, the new collection system could fuel growth in the service area, meaning that the subbasin/watershed containing the current and expanded service area could experience an increase in impervious surfaces area and stormwater runoff due to growth.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Endangered Species [24 CFR 58.5(e)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 9.1 in Appendix D and place in the body of the EID.
- Place the approximate location of any threatened and endangered (T&E) species on a figure. List the figure reference in the table.
- Place any supporting information in an appendix to the EID including a Biological Survey List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

The NHP database will not provide precise locations of T&E species due to concerns with species disturbance, so all locations will be approximate.

Existing Conditions

Determine whether federally listed T&E species (aquatic or terrestrial) or habitats for such species are located in the project area or downstream of the project site. Start by determining whether listed species are present in the county and, if so, prepare a biological survey to aid in determining whether listed species are potentially present in the project area. The U.S. Fish and Wildlife Service has guidelines for preparing a biological survey. If T&E species or their

habitats are present or potentially present in the project area, list the species name, status (threatened or endangered) and approximate location in Table 8.1. The U.S. Fish and Wildlife Service, or National Marine Fisheries Service if marine species could be affected, must be consulted. The North Carolina Natural Heritage Program may also have data available related to federally protected T&E species.

Impacts and Mitigation

Any impacts to T&E species must be specifically noted.

Consult with Fish and Wildlife Service, National Marine Fisheries Service (if marine species could be affected). the NC Wildlife Resources Commission, and the Natural Heritage Program to determine if federally protected T&E species will be impacted by the project. Consider and describe any impacts including construction impacts, operational impacts, and SCI. Provide mitigation measures that will be implemented to minimize impacts.

Document consultation with wildlife agencies and include any correspondence in an appendix of the EID.

Wildlife, Natural Vegetation, and Forest Resources

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 10.1 in Appendix D and place in the body of the EID.
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.

Existing Conditions

Identify terrestrial and aquatic wildlife habitat that exists on or near the project area. List specific species of dominant plants and animals that are indicative of the kind of habitat present. Describe forest resources, unique or rare habitats, or rare species (including state listed) if present.

Impacts and Mitigation

Describe the construction and operational impacts to wildlife, natural vegetation, and forest resources. Quantify in acres the amount of natural vegetation and forest resources that will be disturbed or destroyed by the project and note whether such impacts will be short-term or permanent. Note whether wildlife will be displaced, either temporarily or permanently, and identify surrounding areas or areas nearby that may provide similar habitat for relocation.

For SCI, discuss past trends related to wildlife and natural vegetation within the existing and expanded service area. Then discuss future trends. If possible, provide an estimate of the potential loss of wildlife habitats.

Describe any mitigation measures that will be implemented to minimize impacts.

Community Facilities

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 11.1 in Appendix D and place it in the body of the EID.
- Place any community facilities on the Environmental Features Figure. List the figure reference in the table.
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.

Show and label any identified community facilities on a figure.

Existing Conditions

Community facilities include educational facilities, commercial facilities, health care, social services, solid waste, wastewater, storm water, water supply, public safety (police, fire, emergency health), and open space, recreational, and cultural facilities. Describe any community facilities that are located within two miles of the project area or that are located outside of that radius but will be potentially impacted by the proposed project. If such areas exist, include them on the Environmental Features Figure. NCOneMap has some of this information available digitally.

Impacts and Mitigation

Discuss whether the project will impact community facilities on or adjacent to the project site due to the construction and operation of the proposed project. Quantify any expected losses or areas of impaired use and discuss the significance of such losses or impairments. Of particular importance is maintaining student access to schools. Consider whether the project will increase the number of residents with school-aged children, whether area schools can accommodate the increased number of students, and whether the project will impact physical access to schools.
Respond to the questions in Table 10.1 appropriately and include any additional information as needed.

For example, a project might consist of a pump station, force main, and collection system constructed next to a hospital to take existing septic systems offline. Direct construction impacts to the baseball field might consist of noise and exhaust. Operational impacts could include odors and noise from emergency generator usage and testing.

For SCI, discuss past trends of impacts to public lands and scenic, recreational, and state natural areas within the existing and expanded service areas. Characterize potential future trends as well.

Discuss any mitigative measures that will be implemented to minimize impacts to community resources and guarantee access to schools.

Historic Preservation [24 CFR 58.5(a)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 12.1 in Appendix D and place in the body of the EID.
- Place the location of any archaeological or historical sites on the Environmental Features Figure. List the figure reference in the table.[24]
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.

[24] Note that during their review, the North Carolina Department of Cultural Resources will show only approximate locations of archaeological sites.

Existing Conditions

Show and label any identified archaeological or historical resources on a figure.

Identify and discuss any archaeological sites or historical resources that are located within five miles of the project site or that are located outside of that radius but will be potentially impacted by the proposed project. Identify any historic buildings located on the project site and their approximate age. Consult with the Division of Natural and Cultural Resources' State Historic Preservation Office (SHPO) for assistance. SHPO will provide project review through mail or e-mail. If National Register listed or eligible properties are present, note the locations on a figure. Include references to studies regarding archaeological or historical resources as applicable. If no studies are available, discuss if and how the site has been previously disturbed. Include correspondence with SHPO and/or any agencies consulted for this review.

For ground-disturbing activities, which include all wastewater and water infrastructure projects, Native American tribes must also be consulted for their input on impacts to cultural resources. The Catawba Indian Nation must be contacted for ground-disturbing activities located in any county within the state. The Eastern Band of Cherokee Indians must be contacted for projects located in the following counties: Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey. The Tuscarora Nation of New York must be consulted for projects located in the following counties: Beaufort, Bertie, Craven, Edgecombe, Greene, Halifax, Johnston, Jones, Lenoir, Nash, Northampton, Pitt, Wayne and Wilson. The Muscogee (Creek) Indian Nation must be consulted for projects located in the following counties: Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.

Impacts and Mitigation

Discuss the construction impacts of the proposed project on areas of archaeological or historical value on or adjacent to the site. State whether any historic buildings will be destroyed or disturbed and, if so, note the location of such buildings on a figure. Include

photographs of the relevant buildings on the site. For operational impacts, discuss if any areas adjacent to the project site contain archaeological or historical resources. If they do, then describe potential impacts.

For example, a pump station, force main, and collection system may be constructed with the pump station being located at the edge of a cemetery. Direct construction impacts will occur in terms of construction noise and exhaust being generated. Operation could impact the cemetery if visitors had to listen to emergency generators and equipment testing or could smell any odors.

For SCI, consider the existing and expanded service area. Describe past trends related to the loss/gain of archaeological or historical resources and detail what may occur in the future.

For the cemetery example above, SCI would occur if historic buildings and cemeteries were removed to accommodate growth in the future service area.

Describe any mitigative measures that will be taken, as needed, to minimize impacts to historic resources.

Air Quality [24 CFR 58.5(g)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 13.1 in Appendix D and place in the body of the EID.
- Contact the Division of Air Quality to determine the area's attainment status.
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.

Existing Conditions

Discuss the ambient air quality and identify current sources of emissions from the project site and surrounding area. The United States Environmental Protection Agency (EPA) and DEQ's Division of Air Quality (DAQ) provide information related to air quality issues within the state.
Determine whether the project is located in a non-attainment or maintenance area and, if so, if the project is in conformance with the state's implementation plan. Be sure to include documentation of correspondence with DAQ.

Discuss any previous odor problems or complaints due to existing facilities.

Impacts and Mitigation

Discuss any expected direct construction or operational impacts to air quality at the project site and in the project area. Note whether impacts are expected to be temporary (related to construction) or long-term (related to operation). Discuss whether open burning will occur and, if so, describe what will be burned. Consider whether general air quality degradation will occur as a direct construction or operational impact.

For SCI, characterize any potential air quality degradation in the region containing the

proposed project. Discuss any past air quality trends and how SCI will affect future trends.

Discuss any mitigative measures that will be implemented. Be sure to consider and discuss emission controls on construction equipment.

Noise Levels and Noise Abatement and Control (24 CFR Part 51, Subpart B)

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 14.1 in Appendix D and place in the body of the EID.
- Based on responses in the table, determine whether Day/Night Noise Level calculations are required.
- If required, prepare the calculations in accordance with procedures in HUD's Noise Guidebook.
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.

Existing Conditions

Discuss the current noise levels on the project site with examples of sources of noise on the project site or in the project area. Include measurable benchmarks, if possible. Briefly discuss any local noise ordinances that are in place for the project area and project area.

Indicate whether the project would allow for the construction of new housing or other noise-sensitive development, and if so, respond to the questions about the project's location in relation to airports and roads. If the responses to the questions indicate that a noise analysis is required, then prepare and attach the Day/Night Noise Level Calculator following instructions in HUD's Noise Guidebook.

Impacts and Mitigation

Discuss whether noise levels are expected to change at or near the project site as a result of construction or operation of the proposed project. If noise levels are expected to increase, discuss when the impacts will occur and the distance at which the increased noise will be heard. Discuss whether surrounding properties will be affected by noise levels.

For example, construction of a pump station and force main would cause construction noise. Once the project is operational, operational impacts could come from emergency generator testing and usage.

For SCI, characterize past trends related to noise in the existing and expanded service area. This can be a qualitative discussion related to land use changes over time that impact noise and should identify any specific developments that have had a significant impact on noise levels. Then analyze potential future trends.

For the pump station and force main example, noise related to SCI would occur as the pump station and force main facilitated growth in the existing and expanded service area.

Describe any mitigation measures that will be implemented to minimize noise impacts. Be sure to consider mufflers or other sound attenuating devices on construction equipment.

Energy Consumption

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 15.1 in Appendix D and place in the body of the EID.
- Place any supporting information in an appendix to the EID. List the appendix reference in the table.

Impacts and Mitigation

Consider the project's impact on energy consumption. If the project will increase energy use, check the appropriate box on the table and explain how and why energy consumption will increase. If the project will reduce energy consumption, check the appropriate box and explain how energy will be conserved. If possible, quantify the increase or decrease in energy consumption and include the calculations in an appendix to the ER/EID.

Provide any mitigative measures as needed.

Site Safety [24 CFR Part 51, Subparts C and D, 24 CFR 58.6(d)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Requirements

- Complete Table 16.1 in Appendix D and place in the body of the EID.
- Place any supporting information in an appendix of the EID. List the appendix reference in the table.

Airport Hazards

Note: This section applies to projects requiring the following: Exempt, CENST, CEST, FONSI.

Respond to the questions in the table and provide documentation of sources consulted to make determinations.

Explosive and Flammable Hazard Operations

Note: This section applies to projects requiring the following: CEST, FONSI. (Toxic Substances)

Respond to the questions in the table. If required based on responses to the questions, prepare and attach Acceptable Separation Distance documentation following procedures outlined in HUD's Acceptable Separation Distance Guidebook. Include documentation of sources consulted to make determinations.

Contamination, Toxic Substances, and Radioactive Materials

Note: This section applies to projects requiring the following: CEST, FONSI (Toxic Substances)

Respond to the questions in the table. If a Phase I ASTM or Phase II ASTM report is required, include a copy in the Appendix and provide the Appendix Reference. Also provide a discussion of the potential for the introduction of toxic substances. Be sure to consider that most construction activities have the potential to introduce toxic substances such as fuels, lubricants, etc. into the environment. Chlorine used in wastewater treatment processes must be included in this discussion. Describe the type and extent of contamination that may be reasonably expected and mitigative measures that will be implemented. Include documentation of sources consulted to make determinations.

Radon

HUD's Notice CPD-23-103 issued on January 11, 2024, addresses the risk of residential radon exposure. The policy requires consideration of radon gas in buildings as part of the proposed HUD projects subject to HUD contamination regulations. The policy falls under HUD's contamination regulations at ***24 CFR 50.3(i) and 58.5(i)(2)***, part of the environmental (NEPA) review of proposed HUD-supported projects.

Projects Not Subject to the Policy Notice:

- HUD projects not subject to HUD's contamination regulations:
  - Projects not subject to NEPA review.
  - Those at the "Categorically Excluded Not Subject To" (CENST) level of review.
- Buildings with no enclosed areas having ground contact; buildings that are not residential and will not be occupied for more than 4 hours per day; buildings with existing radon mitigation systems where radon levels are below 4 pCi/L dated within 2 years of applying for funding.

If your project is subject to the Policy Notice, proceed with using the best available science-based data to determine if Radon testing/mitigation is required.

Analysis of Science-Based Data

If appropriate scientific data shows that the average documented radon levels for the project site area are below 4 pCi/L then the project may be excluded from Radon Testing and Mitigation. Documentation of the appropriate scientific data used must be shown in the environmental review record (ERR).

Appropriate scientific data includes State generated radon information, such as surveys of radon levels from measurement data or geological studies that identify high risk areas, maps from Department of Health and Human Services, Center for Disease Control and Prevention (CDC), or National Environmental Public Health Tracking.

When reviewing testing data utilize the smallest geographic area for which 10 documented tests exist, up to the County level. Whenever possible, use the average of the previous 10 years.

- Appropriate scientific data DOES NOT include EPA maps of Radon Zones or EPA State Maps of Radon Zones. These maps cannot be used for considering whether radon testing may be required at a project site.

Documented average Radon readings at or above 4 pCi/L

If a review of the data shows that the average Radon reading is at or above 4 pCi/L further testing, or mitigation must be completed. Testing is not required, however if it is declined a mitigation plan must be implemented. Note, if there is sufficient documentation of radon levels at or above 4 pCi/L the project must be rejected if no mitigation is proposed or performed.

Incomplete Appropriate Scientific Data

It is possible science-based data may not be available or is incomplete for your project area. For example, CDC Radon data with less with than 10 tests completed over the 10-year period would be considered incomplete data.

> In this situation testing must be completed, unless documentation is provided to show that testing is infeasible because the cost is prohibitive given a project's budget. Both the lack of data and infeasibility of cost would need to be documented. Documentation could include correspondence with state and local radon control agencies, a copy of the CDC Environmental Health Tracking Network, etc.

Conducting Radon Testing

HUD recommends using the American National Standards Institute/ American Association of Radon Scientists and Technologists (ANSI/AARST) radon testing standard. The testing standard describes how to conduct testing, interpret test results, and how to prepare documentation for the ERR. There is also an option outlined in Notice CPD-23-103 for using DIY test kits.

When Radon mitigation is required:

If testing shows that Radon levels are at, or above 4pCi/L mitigation is required. The ERR must contain a mitigation plan that identifies the radon level, considers the risk to occupant's health, describes how the radon reduction system will be installed, establishes an ongoing maintenance plan and timetable for implementation. Post installation testing is also required. Failure to propose or preform mitigation will result in your project being rejected.

Respond to the table questions and reference where your information was sourced from. Show documentation in the appendix.

Coastal Resources [24 CFR 58.5(c), 24 CFR 58.6(c)]

Requirements

- Complete Table 17.1 in Appendix D and place in the body of the EID.
- Place any supporting information in an appendix of the EID. List the appendix reference in the table.

This table documents compliance with the Coastal Zone Management Act (CZMA) and Coastal Barrier Resources Act.

Coastal Zone Management Act [24 CFR 58.5(c)]

Note: This section applies to projects requiring the following: CEST, FONSI.

Under CZMA, project that may affect the coastal zone must be consistent with the approved state coastal zone management program. In North Carolina, this program is administered through the Division of Coastal Management (DCM) and the state Coastal Area Management Act (CAMA). First, determine whether the project is located in a CAMA county. If the project is located in a CAMA county and involves new construction, land conversion, major rehabilitation, or substantial improvement activities, then a consistency review is required. Refer to DCM's Federal Consistency Review webpage for additional information regarding consistency review. Discuss the consistency review in the table and document any correspondence with DCM.

CAMA Counties:

Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, Washington

Coastal Barrier Resources Act [24 CFR 58.6(c)]

Note: This section applies to projects requiring the following: Exempt, CENST, CEST, FONSI.

Under the Coastal Barriers Resources Act/Coastal Barrier Resource Improvement Act of 1990, certain communities are designated as Coastal Barrier Resources Systems (CBRS). The Act is intended to minimize loss of human life, wasteful expenditure of revenues, and damage to natural resources associated with barrier islands by restricting financial assistance for projects that encourage development of coastal barriers. If the project is located within a coastal county, determine if the project is located in a CBRS. The FWS has a CBRS Mapper available online to determine if a project is located in a CBRS community.

If the project is located in CBRS community, Federal assistance is only allowed for certain exempted activities (e.g., a nature trail) after approval from the FWS (see 16 USC 3505 for exceptions to limitations on expenditures). A record of project approval from the FWS must be provided; otherwise, Federal funds cannot be used for the project.

Environmental Design

Note: This section applies to projects requiring the following: FONSI.

Requirements

- Complete Table 18.1 in the Appendix and place in the body of the EID.
- Include any additional information in an appendix to the EID. List the appendix reference in the table.
- Provide a list of sources consulted for completing the table.

Existing Conditions

Briefly describe the environmental design of the project including visual quality, coherence, diversity, compatible use, and scale.

Impacts and Mitigation

For direct construction impacts, describe how the project will impact environmental design. Consider whether project elements will be out of character with the surrounding area, if views will be blocked or degraded, and if materials to be used are appropriate to blend with surrounding structures.

For SCI, discuss the changes in environmental design in the existing and expanded service area which will be impacted by the project.

If "Requires Mitigation" or "Requires Modification" are checked, clearly describe all mitigation efforts that will be mitigated and explain how the project will be modified, if needed.

Note: The section below was removed in January 2025 to comply with EO 14154.

~~***Demographics, Employment & Income, and Environmental Justice [24 CFR 58.5(j)]***~~

~~Note: This section applies to projects requiring the following: CEST, FONSI.~~

~~This table combines information relating the Environmental Justice Analysis, impacts to community demographics and access, and changes to employment and income potential.~~

~~Executive Order 12898 states that~~

> ~~*Each federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.*~~

~~HUD projects must comply with environmental justice requirements of Executive Order 12898. Environmental justice (EJ) strives to ensure that no racial, ethnic, or socioeconomic group bears a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Environmental justice also includes giving all persons equal access to the decision-making process. As a federally funded program, the CDBG-I program is subject to policies established by the Office of Environmental Justice.~~

~~In terms of preparing an EID, an EJ analysis must be conducted to verify that EJ is achieved through the project. Consult HUD's EJ Resources and EPA's Guidance for additional information.~~

~~**Existing Environmental Justice Characteristics Requirements**~~

~~The first step of the EJ analysis involves determining the presence of a significant minority or low-income population. EPA's EJ Screen is one tool that can help identify minority and/or low income populations near the project area. The tool will generate maps and reports customized for the project area that can be printed and included~~

~~with the EID to document this step of the analysis.[25] (The EJ Screen Tool replaces the older EJ View Tool.)~~

~~The most current Censusdata must be used for the Environmental Justice Analysis.~~

~~If another source of data is used to identify minority or low-income populations in the project area, be sure to document the process used. All maps must clearly show the project site. An alternative process may be used by following the steps below. Note that the most current Census data must be used.~~

1. ~~**Census Block Groups.** Determine what Census block group(s) encompass the project area.~~
2. ~~Collect minority and total population data using the US Census data (can be done with GIS).~~
3. ~~**Minority percentages.** Calculate the total minority percentages in each block group. 50% or greater shows an impact.~~
4. ~~**Low-Income.** Repeat for low-income populations using US Census data.~~

~~Potential Impacts from Project~~

~~Respond to the list of questions in the table, and if answering "Yes" to any questions, describe the anticipated impacts as well as measures that will be taken to minimize the potential for harmful impacts. If the analysis of Census block groups discussed above indicates that minority and/or low income populations are greater than 50 percent of the total population at or near the project location, then proceed with determining what impacts the project will have on the identified minority and/or low income population(s). EJ issues may involve impacts to human health or related social or economic impacts. In addition to the environmental justice analysis, also consider whether the project will significantly alter the demographic characteristics, access to resources, and income potential for the community. Be sure to include efforts to ensure adequate opportunities for public participation. If significant impacts are anticipated, contact the Division as soon as possible to discuss the impacts and possibly mitigation (prior to submitting the EID, if possible)~~

References

Any documents referenced in the EID should be identified in the references section. Consider attaching significant references in an appendix. References will vary for different types of projects, but examples that you might include are as follows:

- Correspondence with agencies such as Corps of Engineers or Cultural Resources
- Wetlands delineations studies
- Soil surveys
- Local ordinances
- Master plan documents

List of Acronyms

CAMA – Coastal Area Management Act CBRS – Coastal Barrier Resources Systems

CDBG – Community Development Block Grant

CDBG-I – Community Development Block Grant Infrastructure CE – Categorical Exclusion

CENST – Categorical Exclusion Not Subject to §58.5 CEST – Categorical Exclusion Subject to §58.5 CZMA – Coastal Zone Management Act

DAQ – Division of Air Quality

DCM – Division of Coastal Management

DOC – North Carolina Department of Commerce

DEQ – North Carolina Department of Environmental Quality DWR – Division of Water Resources

EA – Environmental Assessment

EID – Environmental Information Document EIS – Environmental Impact Statement

EJ – Environmental Justice

EPA – U.S. Environmental Protection Agency ERR – Environmental Review Record

FONSI – Finding of No Significant Impact

FONSI/EA – Finding of No Significant Impact/Environmental Assessment FWS – U.S. Fish and Wildlife Service

GIS – Geographic information system

HUD – U.S. Department of Housing and Urban Development

NRCS – Natural Resources Conservation Service NEPA – National Environmental Policy Act NWI – National Wetland Inventory

RE – Responsible Entity ROD – Record of Decision

ROD/EIS – Record of Decision/Environmental Impact Statement RROF – Request for Release of Funds

SCI – Secondary and Cumulative Impacts SEPA – State Environmental Policy Act SHPO – State Historic Preservation Office **T**

T&E – Threatened and endangered

UGLG – Unit of General Local Government

USGS – United States Geological Survey

Glossary
(See regulations for most updated/modified definitions)

After-action monitoring – An environmental review process where the Responsible Entity is solely responsible for the preparation of both the engineering report/environmental information document and the final environmental information document. The agency provides oversight only.

Applicant – The unit of general local government or its representative that applies for CDBG-I funding.

Certifying Officer – The official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to appear in Federal court as required [see §58.2(a)(2)].

Cumulative Impacts – The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

Division – The Division of Water Infrastructure, which is part of the North Carolina Department of Environmental Quality.

Environmental Document – A document that characterizes the environmental and human impacts of constructing a project. These documents include and Exempt Certification, a Categorical Exclusion Not Subject to §58.5 (CENST), an Categorical Exclusion Subject to §58.5 (CEST), a Finding of No Significant Impact/Environmental Assessment (FONSI/EA), and a Record of Decision/Environmental Impact Statement (ROD/EIS).

Environmental Review Record (ERR) – The official file of all environmental information related to the project.

Final environmental document – A Categorical Exclusion, Finding of No Significant Impact, or Record of Decision that is prepared based upon information provided in the Engineering Report/Environmental Information Document.

Floodway – The channel of a stream, plus any adjacent floodplain areas, that must be kept free from encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

Letter of Intent to Fund – Correspondence sent by the Division to Recipients receiving funding that notifies them of the intent of the Division to award grant funding once the schedule is met.

Mitigative Measures – Actions taken to minimize or eliminate impacts to the environment and natural resources.

NEPA – National Environmental Policy Act

100-year Floodplain – The areas that are expected to be inundated by the 1% annual chance flood (100-year flood).

Preparer – An entity such as a Council of Government or a consultant that prepares the ER/EID for the Responsible Entity.

Project – An activity or group of integrally related (e.g., aggregated) activities designed to accomplish, in whole or in part, a specific objective [see §58.2(a)(4)].

Real-time monitoring – An environmental review process where the reviewing agency is actively involved in the preparation of the engineering report/environmental information document and prepares the final environmental document.

Recipient – Any entity when they are eligible recipients or grantees such as a unit of local government (UGLG) [see §58.2(a)(5)].

Recommendation – Actions the agency suggests as ways to mitigate environmental impacts.

Request for Release of Funds (RROF) – A document completed and signed by the Certifying Officer to request the release of CDBG funds for a project.

Requirement – Actions an agency states must be incorporated into the project to mitigate environmental impacts. These must be incorporated into the ER/EID as mitigation.

Responsible Entity (RE) – A UGLG, responsible for the preparation of the ER/EID [see

§58.2(a)(7)(i-ii)]. Note that sometimes, the RE may differ from the Recipient.

Scope of Impacts – The area that should be investigated to identify impacts to various resources that are included in the impact analysis.

Secondary Impacts – Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8).

Service area – The area served by the collection system and/or wastewater treatment plant and/or the water distribution system and/or water treatment plant.

Sewershed – The area served by a collection system or portion of collection system.

Unit of General Local Government – Any city, county, town, township, parish, village, or other general purpose subdivision of a state [see §570.03].