



## CITY OF MOUNT VERNON

### Compliance Procedures for Environmental Review Requirements

#### **Applicable Requirements:**

Federal:

1. National Environmental Policy Act (NEPA) of 1970 which requires Federal agencies to go through a formal process before taking any action anticipated to have substantial impact on the environment
2. HUD Regulations at 24 CFR 58 which allow the assumption of authority to perform the environmental reviews by responsible entities, which are units of general local government, such as a city. The responsible entity is responsible for the scope and content of the review and making the finding.
3. Other Related Federal Environmental Laws and Authorities [View Resources](#)

#### **HUD Guidance:**

HUD's regulations at 24 CFR 58.22 prohibit grant recipients and their partners from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environment review once a project has become "federal." This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions.

#### **Basic Environmental Review Procedures**

These environmental review procedures must be completed for each CDBG, HOME and CoC funded program, project or activity that carried out with HUD grant awards to the City of Mount Vernon, as applicable. They apply to projects considered for funding by the Mount Vernon Urban Renewal Agency (MVURA) which is responsible for ensuring compliance in conjunction with the City's Department of Planning and Community Development.

#### **Environmental Review Record**

MVURA must prepare and maintain a written record of the environmental review undertaken for each project. This written record or file is called the Environmental Review Record (ERR), and it must be available for public review upon request.

- Depending on the project, the MVURA will require that a subrecipient, partner or other party cooperate in gathering information for the review.
- Planning staff will ask that a project sponsor provide information or complete an environmental review checklist based on the scope and content of a proposed project.

- Staff will utilize that information in determining how a project may be best considered for environmental review, or whether more detailed information will be needed to evaluate that question.

Documents included in the ERR shall:

- Describe the project and each of the activities comprising the project, regardless of individual activity funding source; and
- Evaluate the effects of the project or the activities on the human environment;
- Document compliance with applicable statutes and authorities; and
- Record the written determinations and other review findings required by [24 CFR Part 58](#).

Funding applicants seeking to use grants for acquisition or construction projects should complete an Environmental Checklist to the best of their knowledge and ability. Planning staff will be available to provide consultation or assistance and will review the data gathered upon completion.

### Categories

The ERR will vary in length and content depending upon the level of review required for the categories of activities. The four level of environmental reviews are as follows:

1. Exempt Activities,
2. Categorically Excluded Activities,
3. Activities Requiring an Environment Assessment, or
4. Activities Requiring an Environmental Impact Statement.

### Process for Clearance

For a site that meets HUD's environmental review standards, the typical outcome is to publish a notice known as a "Finding of No Significant Impact," or "FONSI" in the local paper. That FONSI allows the public to comment directly to HUD on the content of and methodology used to create the ERR for the project.

Public comments, concerns and appropriate resolution by the recipient are extremely important and must be fully documented in the ERR.

Following the comment period, any comments are considered by HUD and through the City's formal request, the ERR may be approved. This is accomplished through a process known as the "Request for Release of Funds and Certification."

For the City of Mount Vernon, the Commissioner of Planning and Development is the certifying official and will sign the official document on behalf of the HUD grantee.

The ERR must contain all the environmental review documents, public notices (and proof of their publication), and written determinations or environmental findings required by [24 CFR Part 58](#) as evidence of review, decision making and actions pertaining to a particular project.

NOTE: A full environmental assessment may take longer than expected depending on project and site complexity. Each project sponsor is admonished to respect the prohibition on "choice-limiting actions" regarding physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions. Planning staff will discuss this process with project sponsors in more detail as they work through the environmental review process.