

Environmental Review Guidance

State of Rhode Island CDBG Program

All CDBG-funded activities, including local administration, are subject to the environmental review process. An environmental review, using HUD forms (see links below) must be performed before “undertaking any physical activities or choice limiting actions.”

Step 1: Prepare a project description in sufficient detail so that a determination can be made regarding the correct level of review.

Project Description (Source: <https://www.hudexchange.info/programs/environmental-review/>)

A complete and clear project description is the foundation of the environmental review process. The project description should provide location specific information and geographic boundaries, as well as a delineation of all activities included in the overall scope of the project.

The project description should capture the maximum anticipated scope of the proposal, not just a single activity that the money is going toward. It should include all contemplated actions that are a composite part of the project. Activities should be aggregated according to the regulations at 58.32, which says that a responsible entity must group together and evaluate as a single project all individual activities which are related either on the geographical or functional basis, or both, or are logical parts of a composite of contemplated actions.

The project description for the environmental review may not be identical to the description of the project and activities used by the funding program, as the project description in the environmental review may consider activities not financed by HUD.

If the project or environmental review contains information that can be considered sensitive, such as the location of a domestic violence shelter, sacred site, or endangered species habitat, you should omit that information from the publicly reviewable environmental review record.

Step 2: Determine the level of review required and its associated citation from 24 CFR Part 58:

- Exempt - Applies to activities listed at [24 CFR 58.34\(a\)](#)
- Categorically excluded from NEPA, not subject to the related laws and authorities at 58.5 or 50.4 (CENST) - Applies to activities listed at [24 CFR 58.35\(b\)](#) (Part 58)
- Categorically excluded from NEPA, but subject to the related laws and authorities at 58.5 or 50.4 (CEST) - Applies to activities listed at [24 CFR 58.35\(a\)](#) (Part 58)
- [Environmental Assessment \(EA\)](#) – Applies to activities with scope exceeding parameters specified in 24 CFR 58.35(a).

Be specific with regard to the citation. For example, if an activity has been determined to be exempt, the citation must reference the applicable clause(s) between 58.34(a)(1) and 58.34(a)(12). There are twelve clauses categorizing activities under 58.34(a):

- 58.34(a)(1) Environmental and other studies, resource identification and the development of plans and strategies;
- 58.34(a)(2) Information and financial services;
- 58.34(a)(3) Administrative and management activities;
- Etc.

Step 3: Conduct the environmental review analysis using the HUD form applicable to the level of review. Links to these forms are available below. If applicable, two floodplain/wetland public notice periods must be observed during the review. (Note that two other levels of review, Environmental Impact Statement (EIS) and Extraordinary Circumstances, apply to projects of significant scope and complexity. For additional information on these, please visit the HUD Information Exchange website.)

- [Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5.](#) Form requires preparer to complete Airport Hazards, Coastal Barrier Resources, and Flood Insurance in the chart below.
- [Activity/Project that is Categorically Excluded \(CEST\) Subject to 58.5.](#) Form requires preparer to complete all items on the chart below.
- [Environmental Assessment \(EA\) Determinations and Compliance Findings for HUD-assisted Projects.](#) Form requires preparer to complete all items on the chart below, and additional Environmental Assessment Factors: land development, socioeconomic, community facilities and services, and natural features.

References to assist with the analysis are detailed in the chart below. The HUD websites contain additional links to maps and backup documentation for the environmental review. Particularly useful are the “Worksheets,” which provide guidance regarding the extent of research required based upon project specifics, and the supporting documentation to include in the Environmental Review Record (ERR). Additional narrative information and instructions are provided after the chart for review categories flagged with an asterisk (*).

Generally, the backup documentation for each item should include the applicable HUD Worksheet and source documentation, such as a map, consultation letter, etc.

Airport Hazards	HUD Air-Quality Worksheet Google Earth is recommended for measuring distances to airport. HUD Airport Hazards Website
Coastal Barrier Resources	HUD Coastal Barrier Resources Worksheet CBRS Mapper (zoom in to find location) HUD Coastal Barrier Resources Website
Flood Insurance	<i>Not to be confused with Floodplain Management.</i> HUD Flood Insurance Worksheet HUD Flood Insurance Website
Clean Air	HUD Air Quality Worksheet HUD Air Quality Website
Coastal Zone Management*	<i>Note: In RI, consultation with CRMC is required for any activity, anywhere within a coastal community. See instructions on page 4.</i> HUD Coastal Zone Management Worksheet

	HUD Coastal Zone Management Website CRMC Shoreline Change Special Area Management Plan Tools (including StormTools, Marsh Migration, and Shoreline Change maps)
Contamination and Toxic Substances	HUD Site Contamination Worksheet – Single Family HUD Site Contamination Worksheet – Multi Family & Non residential EPA Superfund Sites in RI listing HUD Site Contamination Website
Endangered Species	HUD Endangered Species Act Worksheet HUD Endangered Species Website New England FWS Field Office Endangered Species Consultation Website provides list of endangered species/municipal locations in R.I. Download a “no species present” letter, or consult FWS as needed.
Explosive & Flammable Hazards	HUD Explosive and Flammable Facilities Worksheet HUD Explosive & Flammable Facilities Website
Farmlands Protection	HUD Farmlands Protection Worksheet HUD Farmlands Protection Website View USDA Prime Important Farmlands soil type list for RI USDA Soil Mapper <i>Note: Compare soil types on mapper with soil type list.</i>
Floodplain Management	HUD Floodplain Management Worksheet HUD Floodplain Management Website FEMA Maps (FIRMette) HUD Floodplain Management 8-Step Decision Making Website <i>Note: FEMA generated FIRMette maps are required. Municipal and/or StormTools maps are recommended.</i>
Historic Preservation*	<i>Note: In RI, consultation with SHPO and THPO is required. See instructions on page 5.</i> HUD Historic Preservation Worksheet Historic Preservation Review Procedure: RI HUD Historic Preservation Website R.I. Properties on the National Register of Historic Places R.I. Historic Districts (URI EDC)
Noise Abatement & Control	HUD Noise Abatement and Control Worksheet – CEST HUD Noise Abatement and Control Worksheet - EA HUD Noise Abatement & Control Website
Sole Source Aquifers	HUD Sole Source Aquifers Worksheet HUD Sole Source Aquifers Website New England EPA Sole Source Aquifer Website
Wetlands Protection*	<i>Additional guidance available on page 6.</i> HUD Wetlands Protection Worksheet HUD Wetlands Protection Website National Wetlands Inventory Mapper HUD Floodplain Management 8-Step Decision Making Website
Wild & Scenic Rivers	<i>Note: There are currently no Wild & Scenic Rivers in RI.</i> HUD Wild and Scenic Rivers Worksheet RI Listing – Wild & Scenic Rivers <i>Print/save this page in the ERR.</i>

Step 4: Publish/post applicable notices using HUD templates. The final floodplain/wetlands notice may be published concurrently with the NOI/RROF and/or FONSI.

- Exempt – N/A. ERR is complete, absent changes to the scope of work.
- CENST – N/A. ERR is complete, absent changes to the scope of work.
- CEST – Publish a *Notice of Intent to Request Release of Funds* (NOI/RROF) for 7 days (not counting the date of publication) or post for 10 days
- Environmental Assessment – If making a *Finding of No Significant Impact* (FONSI), publish combined NOI/RROF and FONSI for 15 days (not counting the date of publication) or post for 18 days
- Environmental Assessment – If making a Finding of Significant Impact, publish that finding and then begin an Environmental Impact Statement (EIS)

Copies of all published/posted notices (Floodplain/Wetlands, NOI/RROF, FONSI, etc.) must be sent to interested local groups, and the entities listed below at time of publication/posting. Retain copies of correspondence in the ERR.

R.I. Historical Preservation & Heritage
Commission
150 Benefit Street
Providence, RI 02903

EPA Office of Environmental Management
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Narragansett Tribal Historic Preservation Officer
Narragansett Indian Long House
4425A South County Trail
Charlestown, RI 02813

EPA Director, Federal Agency Liaison Division
Office of Federal Activities
1200 Pennsylvania Avenue NW, Mail Code 2388A
Washington, DC 20460

RIDEM
235 Promenade Street, Room 220
Providence, RI 02908-5767

Step 5 (CEST and EA only): Submit *Request for Release of Funds* (RROF) (HUD Form 7015.15) to OHCD one day after the public comment period ends. RROF should be signed by the chief executive or chief elected official. A hard copy with an original signature is required. However, the required 15 day objection period will start with receipt of an electronic copy.

Step 6 (CEST and EA only): Receive signed *Authority to Use Grant Funds* (HUD Form 7015.16) from OHCD. Proceed with activity. HUD regulations require the State to observe a 15 day objection period after receipt of the RROF before releasing funds.

The following sections provide additional information regarding Coastal Zone Management, Historic Preservation, and Wetlands.

Coastal Zone Management

Background

Under the Federal Coastal Zone Management Act (CZMA) section 307, Rhode Island Coastal Communities receiving federal financial assistance, including Community Development Block Grants, must demonstrate that projects receiving such assistance are consistent with the Rhode Island Coastal Resources Management Program (RICRMP), and Special Area Management (SAM) Plans, as applicable.

The inland extent of Rhode Island's coastal zone boundary is a 3-tiered system which is dependent on the type and location of an activity. Tiers 1 and 2 typically will apply to CDBG recipients in coastal communities. The first tier of Rhode Island's coastal zone extends 200 feet inland of a coastal feature. Within this area the CRMC has authority over any development activity, including maintenance of existing structures. The CRMC also has jurisdiction for specific watershed activities, regardless of their location within a Special Area Management (SAM) Plan, specifically:

- [Salt Pond SAM Plan](#) (Charlestown, South Kingstown, Narragansett, Westerly). Consult the website for community-specific maps and information: http://www.crmc.ri.gov/samp_sp.html
- [Narrow River SAM Plan](#) (Narragansett, North Kingstown, South Kingstown). Consult the website for community-specific maps and information: http://www.crmc.ri.gov/samp_nr.html

Tier 2 of Rhode Island's coastal zone extends inland to include the entire geographic area of all 21 Rhode Island coastal communities, which include the CDBG Small Cities communities of Barrington, Bristol, Charlestown, East Greenwich, Jamestown, Little Compton, Middletown, Narragansett, Newport, New Shoreham, North Kingstown, Portsmouth, South Kingstown, Tiverton, Warren, and Westerly.

Environmental Review Process

To comply with the requirements of CZMA Section 307 (c) and (d), referenced on the Statutory Checklist, submit a *CRMC Consistency Determination Request* for any proposed activity located in the 21 coastal communities (applies to both Tier 1 and Tier 2) to CRMC. Include a project description and location map, and certify in writing that the proposed activity is consistent with the applicable policies and standards of the RICRMP and any applicable SAMP provisions. CRMC's written response will typically take one of the three following forms:

- Recommend/No Objection
- Recommend with stipulations (Activity cannot convert to exempt status.)
- Object with reasons (Activity cannot convert to exempt status.)

In order for Coastal Communities to document compliance with 307(c) and (d), the ERR file must contain copies of local correspondence and the CRMC's written response. If the project does not require consistency review or Council Assent, complete the Coastal Zone element of the statutory checklist documenting determination and source.

(Use of "CRMC Consistency Determination Request Template," available for download on the OHCD CDBG website, is required to insure correspondence contains correct language.)

The above is not an exhaustive description of the RICRMP or municipal requirements under the Federal Consistency provisions. Note that certain activities are subject to CRMC review regardless of their status as a Coastal Community. Please review the CRMC Federal Consistency Manual found at http://sos.ri.gov/documents/archives/regdocs/released/pdf/CRMC/CRMC_1059_.pdf and other CRMC information and publications at <http://www.crmc.ri.gov/>. Additionally, CRMC staff are available to answer questions.

Historic Preservation

The environmental review process requires consultation with the State Historic Preservation Officer (SHPO) **and** the Narragansett Tribal Historic Preservation Officer (THPO) for all activities subject to 58.5. The ERR must contain 1) written communications requesting consultation with the R.I. Historical Preservation & Heritage Commission (RIHPHC) and the Narragansett THPO, 2) their responses, and 3) all associated documentation, including documentation of compliance with any required mitigation actions.

The steps in the SHPO and THPO consultation process are spelled out in 36 CFR 800.3 – 800.8. Consultation should be in a manner appropriate to the nature of the undertaking and its effects on historic properties.

SHPO

Send a letter requesting a SHPO consultation, including a project description and location map, to:

Glenn Modica
Project Review Coordinator
R.I. Historical Preservation & Heritage Commission
150 Benefit Street
Providence, RI 02903

The SHPO's written response will typically include one of the following:

- ...will result in no effect to historic resources
- ...will have no adverse effect on historic properties (Activity cannot convert to exempt status.)
- Project specific language regarding possible adverse effects, mitigation actions, and/or other steps to resolve potential adverse effects (Activity cannot convert to exempt status.)

For more information about Project Review, contact Glenn.Modica@preservation.ri.gov, or (401)222-2671.

Attach one of the following sources to the Statutory Checklist as evidence of compliance:

- Letter from the State Historic Preservation Officer (SHPO) that no historic properties will be affected or no adverse effect.
- An executed Programmatic Agreement between the RE and the SHPO that verifies one or more of the non-consultation stipulations in that agreement have been met.
- For adverse effect, an executed Memorandum of Agreement between the RE and the SHPO regarding mitigation measures that will be implemented to protect historic properties.

NOTE THAT COMMUNICATION FROM RIHPHC IS REQUIRED. The Preparer cannot make his/her own determination on behalf of the SHPO. (This also applies to individual residential rehabilitation projects.) The following language (or similar) IS NOT ACCEPTABLE narrative for the checklist:

- “NA – the property is under 50 years old”
- “NA – the property is not in a historic district”
- “NA – the property is not on the National Register”

THPO

[HUD Notice CPD 12-006](#) provides detailed guidance regarding tribal consultation as applicable to 24 CFR Part 58, and the Advisory Council on Historic Preservation (ACHP) has issued a handbook: [Consultation with Indian Tribes in the Section 106 Review Process](#). Note that not all types of projects will require tribal consultation. Appendix A within CPD 12-006 provides a checklist to assist preparers in determining the types of projects that require tribal consultation. In cases where consultation is not required, this checklist serves as the documentation for the ERR. This checklist should be completed and filed in the ERR along with each statutory checklist.

The consultation process must provide an Indian tribe a reasonable opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties, including those of religious and cultural significance to the tribe; articulate views on the undertaking's effects on such properties; and participate in the resolution of adverse effects.

There are circumstances in which it is appropriate to remit payment to the THPO for various costs associated with Section 106 consultation. This may include field visits to provide information about specific places or sites, monitoring activities, research associated with historical investigation, documentation production costs, and related travel expenses. For more information please refer to Michael Tondra memo dated September 26, 2016, available on the OHCD website, and ACPH's information on [Fees in the Section 106 Review Process](#).

The Narragansett Indian THPO contact information is:

John Brown
 Narragansett Tribal Historic Preservation Officer
 Narragansett Indian Long House
 4425A South County Trail
 Charlestown, RI 02813

To document compliance, the following documentation should be maintained in the ERR for the activity:

- Completed CPD 12-006 Appendix A checklist which serves as the determination as to whether or not tribal consultation is required.
- When consultation is required, keep copies of all correspondence, information, reports, etc. OHCD recommends that the initial communication to the THPO be sent via registered mail.
- Letter from the THPO that no historic properties will be affected or no adverse effect; or
- For potential adverse effects, an executed Memorandum of Agreement between the RE and the THPO regarding mitigation measures that will be implemented to protect historic properties.

Wetlands Protection

Wetlands protection is governed by Executive Order 11990 establishing wetlands protection as a national priority. HUD policy discourages modification or destruction of designated wetlands. HUD financial assistance for projects within a designated wetland must comply with the 8-step decision making process. **Federal wetlands protection is only applicable to new construction.** Other activities in or near wetlands will trigger state regulations.

1. Does the project involve new construction? If yes, continue to #2. If no, complete the wetlands element on the statutory checklist and document the source supporting the conclusion. **State wetlands regulations may still apply.**
2. Is the proposed project located in a designated wetland? Go to the [National Wetlands Mapper](#). Caution – not all wetlands have been mapped. If wetlands may be located on/near the project site, contact DEM or CRMC to determine if wetlands are present.
3. If not located in wetland, complete the wetlands element on the statutory checklist and document the source (copy map).
4. If located in a wetland, then complete the 8-step decision making process as described at 24 CFR 55.20. **Same as for floodplain.**
5. Complete wetlands element on checklist and document the source.

DEM Wetland Application Process

<http://www.dem.ri.gov/programs/benviron/water/wetlands/pdfs/scoop.pdf>

1. If you plan a project near a freshwater wetland, review maps at <http://www.dem.ri.gov/maps/wetjuris.htm> to determine if you are under DEM or CRMC jurisdiction.
2. If you are unsure if you have wetlands on your property, file a *Request to Determine the Presence of Wetlands* application with DEM.
3. If you know or suspect that wetlands are present and you want to verify their extent, have wetlands flagged by a qualified consultant and file a *Request to Verify Wetland Edges* application with DEM.
4. Determine if your project is exempt per Rule 6.00, available at <http://www.dem.ri.gov/pubs/regs/regs/water/wetlnd10.pdf>. If not, you may need a permit.
5. To receive a permit, file a *Request for Preliminary Determination* application (with a verified or unverified wetland edge). If you are unsure, file a *Request for Regulatory Applicability* application.
6. DEM determines whether or not to further your application.

CRMC Wetland Application Process. (Parallels DEM's process, described above.)

http://www.crmc.state.ri.us/regulations/Fresh_Water_Wetlands.pdf