



HCOF Construction Projects: Draft Environmental Assessments Frequently Asked Questions

As a reminder, all grantees MUST SUBMIT A COMPLETED Environmental Information and Documentation (EID) Checklist (www.hrsa.gov/hcofconstruction/constructionprojects/environmentalchecklist.doc) to indicate whether any potential extraordinary circumstances exist. All HCOF construction projects will require preparation of a draft Environmental Assessment (EA); HRSA will work with grantees on this requirement. HRSA will notify grantees whether an EA is required for any other projects. If an extremely serious environmental issue is documented, an additional Environmental Impact Statement will be required. If the project has received an Environmental Assessment at the Federal, State, or local level, a copy of the assessment must be sent to HRSA. Please contact the HRSA at hcofta@hrsa.gov to determine how to submit this information.

Guidance on the Draft Environmental Assessment

Although HRSA is currently reviewing Health Care and Other Facilities (HCOF) applications and proposed project(s) have not yet been approved, please read the following information if you proposed a construction project (either of a new facility or expansion of an existing facility) under HCOF. HRSA will communicate with applicants proposing alteration/renovation projects if HRSA determines, upon review of the application, that the project will require a draft EA.

Clarification

All HCOF construction projects must undergo a **National Environmental Policy Act (NEPA) Environmental Assessment (EA)**. A Phase 1 Environmental Site Assessment (ESA) is **NOT** the same as a NEPA EA. Please ensure that any consultants working on proposed projects are aware of this distinction to avoid any delays in final approval.

- A Phase 1 ESA relates to the requirements of the Comprehensive Environmental Review, Compensation and Liability Act (CERCLA, commonly known as Superfund), which pertains to hazardous substances. A Phase 1 ESA addresses only a small part of what is required for an overall NEPA EA and will not fully meet the requirements of a NEPA EA.
- A NEPA EA is a more comprehensive study that identifies environmental impacts of a land development action and analyzes a broad set of parameters including biodiversity, environmental justice, wetlands, air and water pollution, traffic, geotechnical risks, public safety issues and also hazardous substance issues.

HRSA recommends that applicants ensure that their consultants are undertaking the correct environmental reviews.

Sample Draft EA

- Sample Draft EA (www.hrsa.gov/hcofconstruction/constructionprojects/sampleenvironmental.pdf)

Please note: This is an example of a draft NEPA EA completed for the Federal Emergency Management Agency (FEMA). This is a public document but the organization name and contact information have been redacted for privacy purposes. If you have any questions concerning the draft EA, please contact HRSA by emailing hcofta@hrsa.gov.

Submission of Draft EA to HRSA

The NEPA EA will need to be submitted in full (along with supporting documentation as an appendix) to hcofta@hrsa.gov prior to HCOF funds being expended on the construction project. Please label the subject line of the email "EA—HCOF Grant #C76HFxxxx" (please insert the grantee's HCOF grant # from the Notice of Grant Award) and appropriately label all attachments.

Additional Resources

The following resources provide more information on compliance with the NEPA EA:

- HHS General Administration Manual 30-20-40:
<http://www.hhs.gov/hhsmanuals/read/gam/part30/302000.html>
- Council on Environmental Quality Regulations for Implementing NEPA (40 CFR §1500-1508):
http://ceq.hss.doe.gov/Nepa/regs/ceq/toc_ceq.htm

Frequently Asked Questions

1. What is an Environmental Assessment?

An Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) is a concise public document that provides sufficient evidence and analysis for determining whether HRSA should issue a Finding of No Significant Environmental Impact (FONSI) or prepare an Environmental Impact Statement (EIS). It is designed to help public officials make decisions that are based on an understanding of the human and physical environmental consequences of the proposed project and take actions, in the location and design of the project, that protect, restore and enhance the environment.

2. What is the Environmental Assessment process?

Preparation of a draft Environmental Assessment (EA) will be required if the grantee is undertaking new construction or expansion of an existing facility. In some situations, such as some types of alteration and renovations, the grantee may be instructed to undertake an EA as a condition of the grant award. Actual construction work cannot proceed until the EA is completed and adopted by the HRSA. Use of Health Care and Other Facilities funding to complete a draft EA is an eligible use of grant funding and should be reflected in the scope of work.

If the proposed project already has a completed EA that is in compliance with the requirements of the National Environmental Policy Act (NEPA), and has already been prepared Federal, State, or local, agency, please submit it for HRSA consideration. HRSA will review the document using the process for newly prepared EA described below.

If there is no existing EA, the grantee must prepare an EA after identifying the proposed site. In order to adequately assess all of the potential environmental impacts, a multi-disciplinary team must be used to perform the environmental analysis. Any state or local environmental impact review requirements should also be incorporated into the EA process.

The grantee may prepare the EA or contract for the preparation of all or parts of the EA. It is recommended that the grantee secure a qualified environmental consultant that can provide environmental planning services and documentation services. This would include preparation of EAs and Environmental Impact Statements (EIS) under the NEPA; endangered species,

wetlands, watersheds and other natural resource management plans; archeological and/or cultural resource management plans; and, other environmentally related studies and/or consultations.

The Environmental Assessment Process Overview

- a. **Grantee prepares a concise draft EA** (see Elements of an Environmental Assessment Q&A below) and submit to the Healthcare and Other Facilities Program office (hcofta@hrsa.gov). HRSA will review of the draft EA for the following:

- Has the need for the proposed action been established?
- Have the relevant areas of environmental concern been identified?
- Have other agencies with an interest been consulted?
- Has the grantee provided opportunities for public involvement?
- Have reasonable alternatives and mitigation measures been considered and implemented where possible, including the costs and resources to operate the facility?
- Has a convincing case been made that the project as presently conceived will have only insignificant impacts on each of the identified areas of environmental concern?
- Has the grantee adequately documented compliance with other related federal environmental laws and regulations as well as similar state and local environmental impact review requirements?

- b. **Draft Finding of No Significant Impact (FONSI)** or determination that an Environmental Impact Statement (EIS) is required.

If the EA satisfies all the factors in HRSA's review set forth in the previous paragraph, HRSA will issue a draft FONSI. If HRSA's review of the EA results in a response of "no" to any of the questions, except question 6, then the EA is incomplete and will be returned for further work. If the only "no" is in response to question 6, then HRSA will issue a determination requiring an EIS for that particular project at that site. Given the cost and time required to complete an EIS, the grantee may wish to explore another alternative site at this point.

- c. **Circulate EA and draft FONSI for public comment.**

The grantee must provide public notice of availability of a FONSI. The notice must be timed so that interested agencies and the public have a minimum of 1 week (unless instructed otherwise) for review and comment on the draft EA.

- d. **Review comments and modify plans, as appropriate.**

The grantee must review any public or agency comments received as a result of review of the EA and draft FONSI, and should modify its plans, if appropriate. Modification may include modifying the project to mitigate the environmental impact of the proposed project, or abandoning the proposed site and selecting an alternative that will have a less significant impact on the environment. The grantee must submit the comments, responses to these comments, and any revisions to the proposed plan to HRSA for review. If the grantee recommends proceeding with the project in light of adverse comments on the environmental impact, the grantee must include the rationale for its recommendation.

- e. **Final action on EA.**

Unless a significant environmental impact surfaces through the public comments or other means, HRSA will issue the FONSI and authorize the grantee to begin construction work.

3. What are the required elements of an Environmental Assessment?

In those situations where the proposed project is not covered in an existing National Environmental Policy Act analysis (EA or EIS), and the expected environmental impacts of the proposed action are not considered to be significant, a concise and focused environmental assessment can be prepared in a short time.

The following outline with notations addresses the core elements of an EA 40 CFR § 1508.9:

- the need for the proposal,
- alternatives as required by NEPA § 102(2)(E),
- the environmental impacts of your proposed action and the alternatives, and
- the agencies and persons consulted.

a. Need for the Proposal

Briefly describe information that substantiates the need for the proposed action; incorporate by reference information that is reasonably available to the public. Briefly describe the existing conditions, the projected future conditions of the area impacted by the project identifying any known sensitive environmental conditions. [*For example:*

The area(s) which will be affected by the proposed action are identified in the attached map. This area consists of -- [add brief description of the environmental state of the area that will be affected by the location and operation of the project, focusing on those areas and resources that are potentially sensitive—the goal is to show the utility and need to identify actual place based environmental issues rather than compiling laundry lists of environmental resources that are not at issue by showing which environmental aspects the proposed activity may impact (aquifers, nesting areas, graves, sacred sites etc.).]

b. Proposed Action and Alternatives

List and briefly describe your proposed action and the reasonable alternatives that meet the project purpose and need. You have discretion as to the number and breadth of alternatives. [*The alternatives should be focused by the purpose and need statement. For example, the need to use existing infrastructure necessary to support a proposed action can be a basis for focusing on a discreet number of alternatives.*]

When there is consensus about the environmental aspects of the proposed action based on input from interested parties, you can consider the proposed action and proceed without consideration of additional alternatives. Otherwise, you need to develop reasonable alternatives to meet project needs (NEPA § 102(2)(E)). When that consensus includes mitigation, include a brief discussion of those measures that avoid, minimize, reduce or eliminate, rectify or restore, or compensate for the impacts in the following discussion.

c. Environmental Impacts of the Proposed Action and Alternatives

Describe the environmental impacts of your proposed action and each alternative. Your alternatives must meet the purpose and need. Your description should provide enough information to support a determination to either prepare an environmental impact statement or find no significant impact.

Concentrate on whether the action would “significantly” affect the quality of the human environment. You should use the CEQ* definition of “significantly,” 40 CFR § 1508.27, as a general guide and, where applicable, cite to agency guidance, policies, monitoring and experience, including significance determinations documented in related or analogous NEPA decisions [*Contact HRSA for assistance if needed*]).

Tailor the length of your discussion to the complexity of the each issue. [*Focus on those human and natural environment issues where impacts are a concern—telephone or e-*

mail, discussions with local, Tribal, and state agencies, other federal agencies, and known interested groups and organizations will help focus those issues.]

You may discuss the impacts (direct, indirect and cumulative) of each alternative together in a comparative description or discuss each alternative separately [*Use the approach that will be most effective and efficient*].

You may contrast the impacts of the proposed action and alternatives with the current condition and expected future condition in the absence of the project. This constitutes consideration of a no-action alternative as well as demonstrating the need for the project.

Incorporate by reference data, inventories, other information and analyses you relied on. The use of hyperlinks in web-based documents is encouraged. This information must be reasonably available to the public. [*For example, include relevant existing programmatic agreements and generally accepted best management practices.*] Provide clear and concise substantiation for your conclusions.

d. Agencies and Persons Consulted

List the agencies and persons consulted. [*For example, include the people/offices/agencies that you coordinated with to ensure that the location of the project did not unintentionally cause an adverse impact—coordination to comply with substantive environmental requirements such as any coordination under the Clean Water Act, Endangered Species Act, or National Historic Preservation Act.*]

*Note: The Council on Environmental Quality (CEQ) (<http://www.nepa.gov/nepa/regs/guidance.html>) provides similar guidance.