

# **SBHCC - Environmental and Historic Preservation Review and Compliance**

## **Overview**

### **National Environmental Policy Act**

The National Environmental Policy Act (NEPA) requires every Federal agency to follow a specific planning process to ensure that agency decision-makers and applicants have considered and the general public is fully informed about, with the opportunity to comment on, the environmental consequences of a Federally funded action. This review and consultation process is used to evaluate the impact a project and its alternatives may have on the environment. The review process required by NEPA is usually the vehicle through which HRSA addresses other environmental laws and regulations.

It should be noted that compliance with other individual laws such as Floodplain Management, Wetlands, the National Historic Preservation Act, Endangered Species Act, the Comprehensive Environmental Response and Liability Act, among other Federal, State and locally required laws, may still be required.

### **National Historic Preservation Act**

The National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties. Federal agencies must consult with parties who have an interest in the effects of the undertaking in order to identify the affected historic properties, assess the effect of the undertaking on historic properties, and seek ways to avoid, minimize, or treat any adverse effects on historic properties.

HRSA complies with NHPA and its implementing regulations in 36 CFR Part 800, by following standard regulatory procedures, commonly referred to as the Section 106 Process. Historic properties include districts, buildings, structures, objects, landscapes, archaeological sites, and traditional cultural properties that are included in, or eligible for inclusion in, the National Register of Historic Places. These properties are not just old buildings or well-known historic sites, but places important in local, State, or national history. The National Register of Historic Places is a list of recognized historic properties. However, this list is not complete, and States may have additional properties with historic significance.

## **Project Specific Environmental and Historic Preservation Requirements**

### **1) Moveable Equipment Only Projects**

Moveable equipment is defined as non-expendable items with a useful life of more than one year and a unit cost of \$5,000 or more (or equal to the applicant's capitalization threshold, if less than \$5,000) that are not permanently affixed and

can be easily moved, such as x-ray equipment, freezers, autoclaves, medical exam tables, dental chairs, computers, and modular workstations. This would also include mobile medical vans.

Trailers or modular units set up on portable chassis for temporary use may also be considered moveable equipment (please note that additional information may be required to verify the temporary nature of the units). Office supplies (e.g., paper, pencils, toner, etc.); medical supplies (e.g., syringes, blood tubes, plastic gloves, etc.), and educational supplies (e.g., pamphlets, educational videotapes, etc.) are not defined as moveable equipment and are unallowable.

**Environmental Information and Documentation Checklist: NONE.**

**Environmental Requirements: NONE.** Unless there are unregulated hazardous materials or waste generated as a result of purchase or use, this project type does not require further review under the National Environmental Policy Act.

**Historic Preservation Requirements: NONE.** Because moveable equipment does not involve ground disturbance or the modification of the structure or appearance of a facility, this project type does not require review under the National Historic Preservation Act.

**2) Alteration and Renovation Projects (with or without moveable equipment)**

**Environmental Information and Documentation Checklist:** A separate EID checklist is required for each Projects site. The EID provides an initial snapshot that is certified by the grantee of the projects potential impact. It should be noted that the EID checklist does not fully satisfy environmental and historic preservation requirements for a particular project.

**Environmental Requirements:**

Most alteration and renovation project will not require additional reviews under the National Environmental Policy Act. However, depending on the nature of the project HRSA may request information such as: Environmental Site Assessments (Phase I or II), Hazardous Materials Surveys and abatement plans (for materials such as asbestos and lead), etc.

In some circumstances, HRSA may require grantees to prepare an Environmental Assessment that is in compliance with the National Environmental Policy Act.

**Historic Preservation Requirements:**

Depending on the scope and nature of the project, it may require Section 106 consultation with the State Historic Preservation Officer, and possibly Tribal Historic Preservation Officers. Depending on known conditions of the site, or direction from the Historic Preservation Officer, additional investigation, monitoring, documentation, or measures to protect historic resources may be required.

To initially determine if Section 106 consultation may be required:

- 1) Is the project facility 50 years or older?
- 2) Does the overall proposed project include:
  - a. Any renovation/modification to the exterior of the facility (including the installation of new signage)?
  - b. Ground disturbance activities (including installation of access ramps, utility work, installation of curb cuts, fencing, and parking)?
  - c. Does the project involve alteration/renovation/repair to a project facility that is architecturally, historically, or culturally significant?
  - d. Is the site located on Native American, Alaskan Native, Native Hawaiian, or equivalent culturally significant lands?

If the answer is yes, or maybe to any of the above question, Section 106 consultation will be required before any physical work can begin.

### **3) Construction Projects (new site or expansion of existing site, with or without moveable equipment)**

**Environmental Information and Documentation Checklist:** A separate EID checklist is required for each Projects site. The EID provides an initial snapshot that is certified by the grantee of the projects potential impact. It should be noted that the EID checklist does not fully satisfy environmental and historic preservation requirements for a particular project.

#### **Environmental Requirements: Environmental Assessment**

Due to the nature of new construction projects, HRSA will require most grantees to prepare an Environmental Assessment that is in compliance with the National Environmental Policy Act. Due to the nature of the project HRSA may also request information such as: Environmental Site Assessments (Phase I or II), Hazardous Materials Surveys and abatement plans (for materials such as asbestos and lead), Floodplain Management, Wetlands, Farmland Soils, Environmental Justice, Endangered Species, etc.

#### **Historic Preservation Requirements: Section 106 Consultation Required**

Due to the nature of new construction projects, HRSA requires all grantees to initiate and complete Section 106 consultation on behalf of HRSA with the State Historic Preservation Officer. Depending on known conditions of the site, or direction from the Historic Preservation Officer, additional investigation, monitoring, documentation, or measures to protect historic resources may be required.

## **General Questions**

### **Do all construction and renovation projects require preparation of a draft Environmental Assessment or Section 106 consultation?**

No. Some construction and renovation projects may fall under a Programmatic Environmental Assessment prepared by HRSA. The Notice of Grant Award should identify the environmental and historic preservation requirements needed to satisfy the condition of award. In some cases, the information submitted with the application may not have been sufficient to determine the level of compliance, and additional information may be requested.

### **Do environmental and historic preservation requirements just apply to portions of my project being funded with the Federal grant?**

No. It is important to note that the Environmental and Historic Preservation compliance requirements apply to the total scope of the project, including non-Federally funded connected actions. Also be aware the future changes in the scope of project (such as a new site, or adding parcels, or changing the configuration of the facility) may necessitate reinstatement of environmental and historic preservation conditions.

### **Can I start site or construction work on my project even though I haven't completed my environmental or historic preservation conditions yet?**

The Notice of Grant Award clearly states that only non-construction preparatory activities such as architectural and engineering designs, permitting, licenses, and work related to the environmental and historic preservation reviews may be undertaken prior to the release of the Environmental or Historic Preservation conditions. Use of grant funding to complete these activities is allowable.

At the time an award is made, grantees that proceed to undertake site preparation, construction, and renovation work without meeting the appropriate conditions do so at their own risk. If subsequent environmental or historic preservation reviews indicate site conditions or impacts that cannot be appropriately addressed or mitigated, HRSA may be unable to fund the project.

