

Environmental Review Process: Frequently Askes Questions Vermont Community Development Program

Q1: What are the steps of the Environmental Review process?

Step 0. Open the Environmental Review in the State’s Online Grants Management System: [GEARS](#) (labeled as Step #0 because it should happen as early in the process as possible, but other aspects of the Environmental Review can be done before the Environmental Review is officially opened in the online system).

Step 1. Define the project (write a project description for the Environmental Review).

Step 2. [Determine the Level of Environmental Review](#)

- There are 3 potential levels of Environmental Review: Exempt, Categorically Excluded and Assessment.
- If you determine you are completing an Environmental Review at the Assessment level, complete the “Statement of Purpose and Need”, “Existing Conditions and Trends” and “Cumulative Impact Analysis” sections at this step as well. NOTE: This is only required for projects completing an Environmental Review at the Assessment level.

Step 3. Perform the Environmental Review analysis and document compliance (AKA prepare the Supporting Documents and Checklist). This is the most substantial step of the Environmental Review process.

Step 4. Finalize the Environmental Review documentation, prepare and publish the applicable notice in a newspaper publication that serves the project area, and wait for the required public notice period to pass.

- The public notice period is broken up into two parts: 1) the public comment period, and 2) the objection period. The public comment period is initiated with the publication of the notice and the objection period is initiated with the certification and submission of the Environmental Review by the Authorizing Official. See **Q4** for additional information about the timing of the public notice period.

Step 5. Receive the Environmental Review Release.

Step 6. Expend project funds.

Step 7. Post Review Consideration (if applicable): Confirm required mitigation measures were implemented (AKA provide documentation to support that the Environmental Review Conditions were satisfied during project implementation).

Q2. What are Choice Limiting Activities (or Actions) and what do they have to do with the Environmental Review process?

- Choice Limiting Activities: Engaging in these activities prior to the receipt of the Environmental Review Release **compromises the unbiased consideration of alternatives** and is therefore **disallowed**.
- Choice Limiting Activities for **Implementation Projects** (as defined by HUD):
 - Acquisition or Leasing of property (Signing an [Option Agreement](#) is NOT Choice Limiting, but signing a Purchase & Sales Agreement IS Choice Limiting). **If a project has not completed an Environmental Review, is currently in a Purchase & Sales Agreement and is unable to convert the agreement to an Option Agreement, the project is ineligible for HUD funding.**
 - Entering into commitment for repair, rehabilitation, construction or demolition
 - Commitment=legally binding contract or agreement
 - Going out to bid for construction activities
 - Initiating project activities (any on the ground work)

- Commitment or expenditure of HUD funds or non-HUD funds for **choice-limiting activities**. Engaging in and expending funds on planning activities are allowed and is needed to adequately complete the Environmental Review.
- Choice Limiting Activities for **Planning Projects** (as defined by HUD):
 - Commitment or expenditure of HUD funds or non-HUD funds for planning activities that fall under the scope of work that has been defined for the project (expenses that will be counted as match in the project’s budget, or expenses that will seek HUD funds for reimbursement)
- If you are ever unsure if an activity is choice-limiting, contact the [Environmental Officer](#).
- A party may begin a project in **good faith** as a private project and is NOT precluded from later deciding to apply for federal assistance. However, once a party applies for federal assistance, it will need to cease choice-limiting actions on the project until the Environmental Review process is complete. Please note, if a project is in this position, additional complications may arise with respect to procurement requirements if a construction contract has already been signed.
 - Good faith means, as soon as the project is considering applying for HUD funding, the project ceases with moving forward with Choice Limiting Activities.

Q3: At what step of the Environmental Review process can I move forward with Choice Limiting Activities?

- At Step #5 (see Q1): Receive the Environmental Review Release. Please note, this is AFTER the full public notice period has passed. See Q4 for additional information about the timing of the public notice period.

Q4: How long is the public notice period for my project?

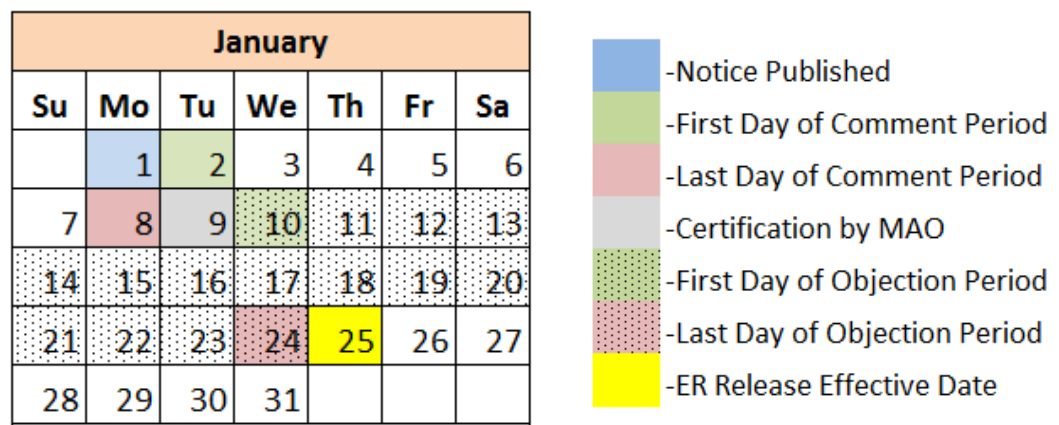
It depends on the level of Environmental Review, see below.

At the Exempt Level: No public notice period is required.

At the Categorically Excluded Level:

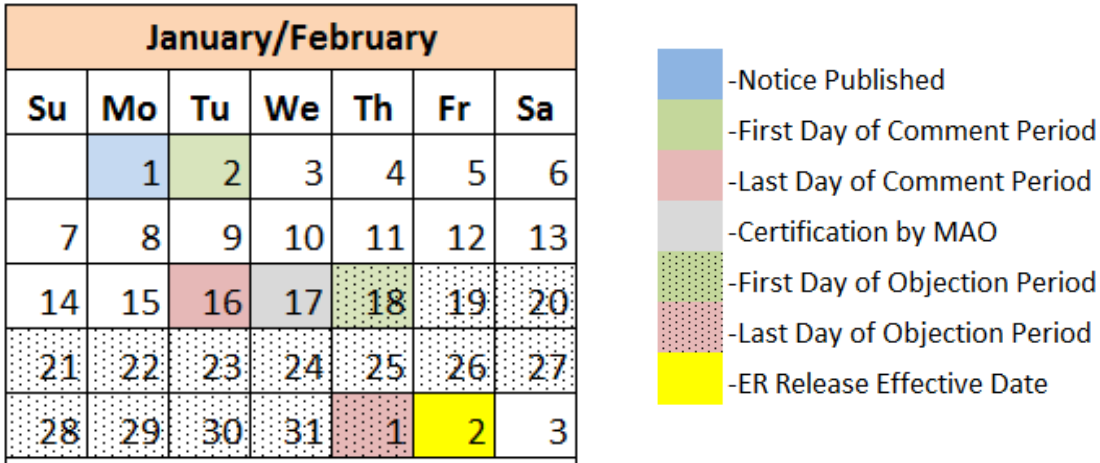
- If no mitigation measures are triggered for compliance, the environmental review may “convert” to exempt. In this case, no public notice period is required. The Environmental Officer will let you know if your project converts to exempt. This does not mean that the project could have started at the Exempt level of review, but rather it can be treated as Exempt because no further compliance is needed. The project remains in GEARS as a Categorically Excluded Environmental Review in order to maintain all of the related supporting documentation.
- Categorically Excluded Environmental Reviews that do not convert to exempt:
 - 7-day public comment period
 - 15-day objection period
 - NOTE: The day of publication and the day of certification do NOT count.

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At the Assessment Level:

- 15-day public comment period
- 15-day objection period
- NOTE: The day of publication and the day of certification do NOT count.



Q5. How long will the Environmental Review process take for my project?

- Everyone’s favorite answer...IT DEPENDS. Every project is truly different, and the important thing is to be realistic about the timeline for completing the Environmental Review for your project. **The Environmental Officer can help you determine what is realistic for your project.** Incorporate the receipt of the Environmental Review Release into your project’s timeline and be sure all Choice Limiting Activities are scheduled to take place AFTER the anticipated Environmental Review Release.

For questions regarding the Environmental Review Process, please contact:
 Quin Mann, Environmental Officer
 E-mail: quin.mann@vermont.gov
 Phone: 802-828-1357