| 3/12/14 | **PUBLIC WORKS BOARD**<br>**PUBLIC WORKS TRUST FUND & BOARD PROGRAMS** | **DEPARTMENT OF HEALTH**<br>**DRINKING WATER STATE REVOLVING FUND** | **DEPARTMENT OF COMMERCE**<br>**COMMUNITY DEVELOPMENT BLOCK GRANT GENERAL PURPOSE** | **DEPARTMENT OF ECOLOGY**<br>**CLEAN WATER STATE REVOLVING FUND** | **USDA RURAL DEVELOPMENT** |
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| ENVIRONMENTAL REVIEW FOR PUBLIC WORKS PROJECTS | | | | | |
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| Lead Agency | Authority delegated to local governments | EPA .<br>Authority delegated to Health. | HUD.<br>Authority delegated to local governments | EPA . | USDA RD. |
| Contact Info | Heather Youckton (360) 725-2744<br>Heather.Youckton@commerce.wa.gov | Aleceia Tilley (360) 236-3095<br>Aleceia.tilley@doh.wa.gov | Kaaren Roe (360) 725-3018<br>Kaaren.roe@commerce.wa.gov | Liz Ellis (360) 407-6429<br>Liz.ellis@ecy.wa.gov | Janice Roderick (360) 704-7739<br>Janice.roderick@wa.usda.gov |
| Type of Consultation | Local government leads | Formal consultation lead by DOH | Local government leads | Formal consultation lead by federal agencies | Local government provides information – consultation usually completed by agency. |
| Public Notification | As required by Department of Ecology in the SEPA process<br><br>14-day comment period (as required by SEPA) and public meeting. Environmental justice, floodplains, critical farmland, etc. cross-cutters may require additional publication. | DOH notifies borrower to begin public comment period, consisting of a one-time legal advertisement in local newspaper announcing the 30-day comment period. | If Categorically Excluded or Environmental Assessment, then:<br>• Request for Release of Funds - local 7/15 day comment period<br>• Finding of No Significant Impact - local 15 day comment period; Commerce 15 day comment period<br>Additional notice(s) if affecting floodplain/wetlands | Minimum 14-day comment period (as required by SEPA) and public meeting. Environmental justice, floodplains, critical farmland, etc. cross-cutters may require additional publication. | Determined by agency. If impact to important land resources or controversial project, preliminary public notice required and publishing of FONSI. Preliminary notice has 30 day comment period. |
| Authority | SEPA; SERP when a federal nexus occurs. | State Environmental Review Process (SERP), 40 CFR 35.3580. | NEPA – 24 CFR Part 58<br>SEPA. | State Environmental Review Process (SERP), with SEPA as an integrated component, federal cross cutters as outlined in 40 CFR 35.3140. | Regulation 7 CFR Part 1794<br>National Environmental Policy Act (NEPA) |
| Environmental Cross Cutters | Shoreline Management Act<br>Growth Management Act<br>Governor's Executive Orders<br>Federal regulations as appropriate | National Environmental Policy Act<br>National Historic Preservation Act<br>Archeological and Historic Preservation Act<br>Farmland Protection Policy Act<br>Coastal Zone Management Act<br>Coastal Barriers Resources Act<br>Wild and Scenic Rivers Act<br>Endangered Species Act<br>Clean Air Act<br>Safe Drinking Water Act | Clean Air Act<br>Coastal Zone Mgmt Act<br>Endangered Species Act<br>Environmental Justice<br>Farmland Protection Policy Act<br>Floodplain Mgmt Executive Orders<br>National Historic Preservation Act<br>Safe Drinking Water Act<br>Wetland Protection Executive Orders<br>Wild and Scenic Rivers Act<br><br>HUD Environmental Standards & | Clean Air Act<br>Coastal Zone Mgmt Act<br>Endangered Species Act<br>Environmental Justice<br>Farmland Protection Policy Act<br>Floodplain Mgmt Executive Orders<br>National Historic Preservation Act<br>Safe Drinking Water Act<br>Sustainable Fisheries Act<br>Wetland Protection Executive Orders<br>Wild and Scenic Rivers Act | Clean Air Act<br>Coastal Zone Mgmt Act<br>Endangered Species Act<br>Environmental Justice<br>Farmland Protection Policy Act<br>Floodplain Mgmt Executive Orders<br>National Historic Preservation Act<br>Safe Drinking Water Act<br>Sustainable Fisheries Act<br>Wetland Protection Executive Orders<br>Wild and Scenic Rivers Act/Water Quality<br>Intergovernmental Review |

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| | | | Regulations<br>• Explosive and Flammable Operations<br>• Airport Clear Zones and Accident Potential Zones<br>• Noise Abatement and Control | | Sole Source Aquifer<br>Also requires evidence of SEPA compliance |
| Client Submittal Requirements | Local determination | Agency works with applicant regarding the required documentation. The applicant is responsible for providing all documentation. | Applicant works with agency to determine level of NEPA, applicant responsible for providing documentation, including Request for Release of Funds & HUD Certification | SERP Packet with SERP Coversheet, Cross Cutter Report, timing of submittal depends on the phase of the project (see agency review). | Applicant works with agency to determine level of NEPA, applicant responsible for providing documentation |
| Agency Review | No review | After award and prior to release of construction funds | After award and prior to release of funds | Based on the phase of the project.<br>Planning (Step 1): SERP during planning;<br>Design (Step 2): SERP prior to application submittal;<br>Construction Step 3): SERP prior to application and cross cutters prior to contract execution;<br>Design/Construct (Step 4): SERP prior to application, Cross Cutters prior to construction.<br>*Informal cross cutter review by Ecology can occur during planning and design phase, formal determinations from federal resource agencies does not occur until time indicated above.* | During funding application stage. |
| Determinations | Local determination | Issued by DOH | Local determination<br>Exempt<br>Categorical Exclusion<br>• No laws impacted<br>• Laws impacted<br>Environmental Assessment | Determinations dictated by each federal cross cutter | Issued by USDA RD<br>Categorical Exemption<br>Categorical Exclusion requiring an Environmental Report<br>Environmental Assessment |

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| Section 106/ Executive Order 05-50 | GEO 05-05 must be completed prior to release of construction funds. | DOH is responsible for consultation with DAHP and Tribes. | Local government grantee is responsible for consultation with DAHP and Tribes under Section 106 | Ecology is responsible for initial communication with tribes and DAHP, EPA leads formal consultation when needed. | USDA responsible for consultation with DAHP and Tribes under Section 106 |
| Section 106 accepted in lieu of EO 05-05 | Yes with evidence from recipient | N/A | N/A | N/A | N/A |
| Initiation Period | Prior to contracting | Begins after contract execution. | Once Commerce executes contract. Can be initiated earlier, but then environmental review costs cannot be covered by CDBG and must meet CDBG NEPA requirements if funded. | SERP: prior to design,<br>Cross Cutters: prior to construction. | Prior to award of funds |
| Completion Period | Before first construction draw | Before actual construction and/or ground disturbance commence. | Before first draw, before advertising for bid, before acquisition | SERP: during the planning phase or prior to application,<br>Cross Cutters: prior to contract execution or construction (for design/construct projects) | Prior to award of funds |
| Impact on Current Activities | N/A | N/A | Once CDBG application is submitted, cannot commit CDBG or non-CDBG funds if activity is choice-limiting, until Commerce's release of funds. | The municipality should consider planning early when Ecology loans are being considered as a funding option. SERP and cross cutters analysis should occur during the planning phase of the project. | Important to start on NEPA during the planning process to avoid limiting choices of alternatives and plan for mitigation if necessary. |
| Resource Links | http://www.pwb.wa.gov/technical-assistance/Cultural-Review/Pages/default.aspx | http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/WaterSystemAssistance/DrinkingWaterStateRevolvingFundDWSRF.aspx | CDBG Mgmt Handbook, Section 6: http://www.commerce.wa.gov/Documents/Section6-Environmental-Review-Requirements.pdf<br><br>HUD NEPA webpage: http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r10/environment/washington | http://www.ecy.wa.gov/programs/wq/funding/GrantLoanMgmtDocs/Eng/GrantLoanMgmtEngRes.html | http://www.rurdev.usda.gov/wa/publications.htm |