

## **Questions and Answers from May 21, 2021, Environmental Review Webinar**

**Question 1:** Will a recording of this webinar be posted later for anyone who couldn't attend today?

**Answer 1:** Yes, the recording and slides will be available next week.

**Question 2:** Please clarify that a project could be put out to bid, but a contract can't be awarded until NEPA is complete.

**Answer 2:** I believe that that is true. And then you may have to rebid your project if something happens during the environmental review or put a change on the bid documents based on the environmental review. And if anyone else who's on the HCD team wants to correct me they can, but I believe that's correct. I think that the conversation is that there is a risk of putting a project out to bid, if the NEPA is not complete because the NEPA could change the scope of the project. And that would require the procurement to be rebid. There is an inherent risk, because your procurement, the scope may not be accurate and you would have to re-bid if there is a change due to the NEPA.

A legally binding agreement may not be executed before the environmental review is completed (including securing release of funds approval, when required). Neither may bids for choice-limiting actions (such as acquisition, construction, demolition, etc.) occur before the environmental review is completed.

**Question 3:** Is there a requirement to use HEROs system for ER's?

**Answer 3:** Disaster recovery does not use the HERO system.

**Question 4:** Can an acquisition be taking place while NEPA is ongoing? Can they conclude concurrently?

**Answer 4:** I believe so. It says you can't acquire before you complete environmental review. I would just be very careful with that timing, make sure that the closing is contingent on finishing the environmental review. That should be at least the next day.

**Question 5:** I'm assuming that because HUD is national, the focus here is on NEPA, but in California, we also have to follow CEQA requirements as well. Is that correct?

**Answer 5:** Yes, that is correct on both points. We're focused on NEPA here. This is a Federally funding program and HCD is helping to review the NEPA requirements. CEQA is required for your projects as well, but that is the responsibility of the lead agency, which in many cases will be the same as the responsible entities.

**Question 6:** To what extent does the Responsible Entity (RE) have to respond to comments from agencies and to include their recommendations into the NEPA review?

**Answer 6:** Yes, you do have to respond and address their comments. Those are typically appended in the NEPA review. They cannot be ignored.

**Question 7:** Can we remove a tree that is encroaching on a neighbor's property and causing damage to their utilities?

**Answer 7:** We typically don't do work on private property unless it is an owner-occupied program. We would likely need a bit more detail on this project and how it relates to the CDBG-DR funded project. I would just say if we're doing a NEPA review, that would be something that would be discussed in the biological resources part of your report, the need for tree removal and what laws and local ordinances cover tree removal.

**Question 8:** If it's a multifamily housing project (CDBG-DR MHP), can we make the developer responsible for completing the CEQA & NEPA?

**Answer 8:** Yes. However, the developer can't be the responsible entity, so I'm assuming the developers are either skilled in doing environmental review or they would add someone to their team that's a consultant with expertise in that area. They can do all of these steps that we're talking about. You all on the call don't have to do all the work, but there has to be a responsible entity signature where you're agreeing that the review is adequate and signing off on it. And we as a team are here to assist with that process as well, to help review and get your project on the right path under NEPA.

**Question 9:** Do potential utility conduits need to be specifically described (PGE utility relocation as a result of the project)?

**Answer 9:** Yes, I would describe that because that's a construction activity that's going to require excavation and there are potential impacts related to excavation, environmental impacts. I would definitely describe that. And if you're unsure on the exact location, you can fill in that detail when it becomes available. Yes I definitely include information about anything excavation related.

**Question 10:** Are CDBG-DR NEPA requirements different from CDBG-MIT NEPA requirements?

**Answer 10:** NEPA requirements are the same for all CDBG projects. The level of review all depends on the type of project.

**Question 11:** Can the NEPA document be a joint document with the CEQA doc?

**Answer 11:** Yes. If you do it right, that can be done. It just has to cover all the requirements of both laws.

**Question 12:** Can a single NEPA doc cover multiple CDBG funding grants (DR and MIT specifically for me)?

**Answer 12:** If the DR and MIT funds are funding the same overall project, then the NEPA review can cover all activities associated with the scope of work.

**Question 13:** My understanding of CDBG MIT programs is that they are largely planning project, and therefore don't necessarily involve a physical change to the

environment, and likely would be exempt. Implementation may impact the physical environment, and therefore may not be exempt. Is this generally true?

**Answer 13:** I would say yes, as far as the planning aspects, it would be exempt. But the actual mitigation project would not be in most cases. It depends, again, always on the project's specifics. For example, if your mitigation is a home hardening project and you're dealing with a home that is on the National Register of Historic Places, then there's definitely potential environmental impacts that need to be considered.

**Question 14:** Is cultural review/tribal consultation/SHPO clearance required for NEPA?

**Answer 14:** Yes, definitely yes. If there is a more specific question on that, you can contract us separately, but that is definitely one of the categories that we look at under NEPA.