



Coordinating Environmental Reviews for Housing and Housing-Related Infrastructure Projects in Indian Country

The Coordinated Environmental Review
Process Workgroup

Background

- Government Accountability Office (GAO)
March 2014 report 14-255
- Senate Appropriations Committee
direction

Federal Collaboration

- ▶ Council on Environmental Quality (CEQ)
- ▶ Department of the Interior – Bureau of Indian Affairs (BIA)
- ▶ Department of Agriculture – Rural Utilities Service and Rural Housing Service (RUS and RHS)
- ▶ Department of Commerce – Economic Development Administration (EDA)
- ▶ Department of Energy (DOE)
- ▶ Department of Health and Human Services – Indian Health Service (IHS)
- ▶ Environmental Protection Agency (EPA)
- ▶ **Department of Housing and Urban Development (HUD)**
- ▶ Federal Highway Administration (added to effort in June 2015)

Environmental Review Requirements

- National Environmental Policy Act (NEPA)
- Other related, applicable Federal laws and authorities

Information Gathering & Outreach

- Document review
- Interviews
- Consultation
- Listening Sessions
- Briefings

**Coordinated Environmental Review Process
Interim Report**

Prepared by:

U.S. Department of Housing and Urban Development

In collaboration with:

The Coordinated Environmental Review Process Workgroup

Consisting of Representatives from:

Council on Environmental Quality

U.S. Department of Agriculture

U.S. Department of Commerce

U.S. Department of Energy

U.S. Environmental Protection Agency

U.S. Department of Health and Human Services

U.S. Department of Interior

May 6, 2015

Interim Report – Available on the HUD website:

http://portal.hud.gov/hudportal/documents/huddoc?id=Env_Interim_Report_050615.pdf

**Coordinated Environmental Review Process
Final Report**

Prepared by:
U.S. Department of Housing and Urban Development

In collaboration with:
The Coordinated Environmental Review Process Workgroup

Consisting of Representatives from:
Council on Environmental Quality
U.S. Department of Agriculture
U.S. Department of Commerce
U.S. Department of Energy
U.S. Environmental Protection Agency
U.S. Department of Health and Human Services
U.S. Department of Interior
U.S. Department of Transportation

December 15, 2015

Final Report - Available on the HUD website:

<http://portal.hud.gov/hudportal/documents/huddoc?id=CoorEnvirReview.pdf>

Appendices:

http://portal.hud.gov/hudportal/documents/huddoc?id=appen_coorderprocess.pdf

Final Report Recommendations

- Incorporate environmental review documents by reference
- Develop common categorical exclusions
- Address resource deficiencies at BIA
- Provide training for agency staff
- Provide training for tribes
- Continue review of related laws and authorities to identify opportunities for greater efficiencies
- Create regional consortiums between tribes and agencies

Final Report Recommendations

- Explore the development of an interagency environmental review automated tool
- Explore HUD-specific regulatory and policy improvements
- Create more predictable funding mechanisms
- Establish an ongoing environmental review interagency workgroup
- Explore expanding the scope of the effort

Incorporate by Reference

- Existing tool set set forth in NEPA
- Environmental reviews are prepared by Tribes under HUD Part 58 regulations
- Agencies can incorporate documents from the Tribe's review
- Workgroup is drafting an MOU to encourage use of this, and other, NEPA tools

Develop Common Categorical Exclusions

- Each agency has tailored categorical exclusions
- The scope of categorical exclusions can vary, leading to different levels of review for the same project
- Workgroup will explore whether developing common categorical exclusions is a viable solution

Address Resource Deficiencies at BIA

- Process and timeline challenges identified by tribes

Automated Environmental Review Tool

- Electronic tool to prepare environmental review documents

Agency Staff Training

- Consistency needed
- Need to be kept updated on changes to laws, regulations, policies

Tribal Training

- Keep informed of requirements that result from workgroup efforts
- Regular training on environmental review
- Need to be kept updated on changes to laws, regulations, policies

Continue Review of Related Laws and Authorities

- Authorities prioritized for coordination:
 - National Historic Preservation Act
 - Endangered Species Act
 - Floodplain Management
 - Clean Water Act
 - Wetlands

Regional Consortia

- Avenue for tribes and agencies to discuss and assist each other with issues related to environmental review
- Workgroup is exploring piggy-backing onto the existing EPA Regional Tribal Operations Committee

HUD Specific Improvements

- Revisions to Acceptable Separation Distance regulation
- Purely administrative activities

More Predictable Funding Mechanisms

- Competitive funding makes early coordination difficult
- Formula-based funding is predictable
- Workgroup will explore whether formula funding can be used more often

Ongoing Interagency Workgroup

- Workgroup focused on implementation of the Final Report recommendations

Explore Expanding Scope

- Tribes suggested expanding workgroup efforts beyond housing to avoid a fractured process

Implementation Progress

- 2016 Goals:
 - Continue drafting MOU on NEPA tools
 - Identify training schedules
 - Begin work on developing common categorical exclusions
 - Highlight resource needs
 - Explore plugging in to the EPA regional consortium framework
 - Explore creating a steering group to provide high level leadership as needed
 - Identify needs for the development of an interagency environmental review automated tool
 - Create centralized environmental review resource website
 - Capture existing tools on CDs for remote tribes
 - Create a presentation on NEPA tools for staff and tribe trainings
 - Explore creating a pilot program on incorporation by reference

Please feel free to contact Hilary Atkin with questions

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