



# HRSA Environmental and Historic Preservation Requirements Overview

March 29, 2023

Health Resources and Services Administration (HRSA)

**Vision: Healthy Communities, Healthy People**



# Agenda

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- Overview
  - National Environmental Policy Act Compliance
  - National Historic Preservation Act Compliance
- Environmental & Historic Preservation Application Requirements
- Additional Environmental & Historic Preservation Requirements



# What is the National Environmental Policy Act (NEPA)?

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- NEPA is the broad umbrella under which all federal projects are evaluated to ensure environmental compliance
- NEPA established a national environmental policy and requires Federal agencies to consider the impacts of their proposed activities, programs, and projects on the environment
- NEPA requires the Federal government to disclose and consider the effects of major Federal actions on the human environment
- Process must be completed BEFORE work is initiated



# NEPA Continued

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The following are the most common federal laws that HRSA documents under NEPA:

- National Historic Preservation Act
- Endangered Species Act
- Clean Air Act
- Clean Water Act
- Farmland Protection Policy Act
- Coastal Zone Management Act
- Resource Conservation and Recovery Act
- Executive Orders: floodplains, wetlands, environmental justice



# NEPA Process

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## HRSA responsibilities

- Determine the level of NEPA required
- Review grant applications for compliance with NEPA and other environmental laws and regulations
- Approve findings of environmental compliance

## Grantee responsibilities

- Evaluate the environmental effects of the proposed action and alternatives
- Make that information available to the public, when required



# Levels of NEPA Documentation

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There are three levels of NEPA documentation that each agency defines within its implementing regulations:

- **Categorical Exclusion (CATEX)**
  - ✓ Most minor of the NEPA compliance levels
  - ✓ Covers administrative or minor physical actions such as staffing, supplies, and other administrative costs
  - ✓ List of CATEXs is provided in HHS General Administrative Manual Part 30 Environmental Protection (30-20-40 Categories of Exclusion)



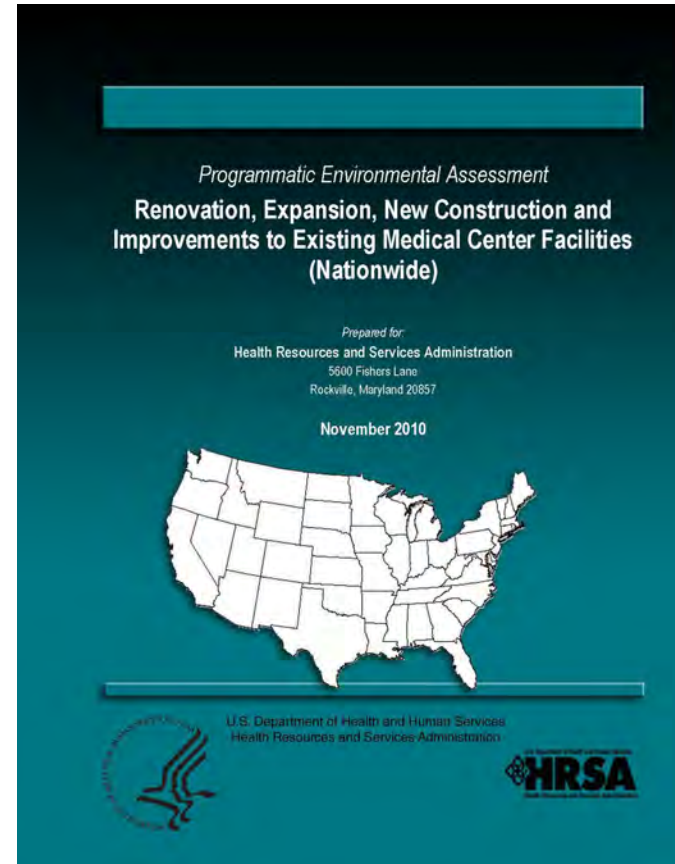
# Levels of NEPA Documentation (2)

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- Environmental Assessments (EA)
  - ✓ Includes physical actions that are moderate in scale
  - ✓ Document is completed to determine if there are any “significant” impacts, which would push the analysis to the new level of documentation, the EIS
  - ✓ Memorialized in a Finding of No Significant Impact (FONSI)

# Programmatic Environmental Assessment (PEA) or EA

- HRSA has one programmatic EA in place which cover the NEPA documentation of any new construction or facility additions with less than 8,000 sf of ground disturbance
- This document allows for a streamlined NEPA review for a HRSA project





# Levels of NEPA Documentation (3)

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## Environmental Impact Statements (EIS)

- Projects that have been determined to have significant impacts to the environment and will likely have substantial public interest in the action
- Generally, the scale of these projects is substantial (such as highways or pipelines) or the activity is taking place in a very sensitive natural resource area

# The other big one - National Historic Preservation Act

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- What is it?
  - The primary law governing historic preservation programs nationally
- Why is it important to HRSA?
  - It outlines historic preservation responsibilities for Federal agencies



# Section 106 of the National Historic Preservation Act (NHPA)

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- Requires Federal agencies to assess effects of all federal undertakings on properties eligible for or listed on the National Register
- Requires Federal agencies to enter a phased review process, not to preserve resources
- Threshold for HRSA is any building greater than 50 years old or any exterior work (above and below ground)



# Section 106 Process

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- HRSA responsibilities
  - Oversight of grantees' coordination with State Historic Preservation Office/Tribal Historic Preservation Office (SHPO/THPO)
  - Drafting and Coordination of Agreement Documents if there is an adverse affect on a cultural resource (Memorandum of Understanding (MOU), Programmatic Agreement (PA))
  - Review grant applications for compliance with NHPA
- Grantee responsibilities
  - Coordinate with SHPO/THPO
  - Identify historic resources and assess effects of proposed action on historic resources



# Undertaking the Environmental and Historic Preservation Review at HRSA – What's Next?

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- Any federal action (grants, loans, permits, etc.) must be reviewed to ensure all environmental and historic preservation (EHP) requirements have been met – **prior to funding approval and project implementation**



# Equipment Only Projects

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- Moveable equipment – equipment that is not affixed to the physical building structure and has a useful life of more than one year
- Examples include new clinical equipment and mobile van

# What to Include in My Application

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## Project Abstract and Narrative

- Provide a detailed narrative for your project.
  - ✓ What are you specifically requesting HRSA funds for?
    - Does your project entail the purchase of equipment that is part of a larger project?
    - Does your project entail any minor alteration and renovation to install the equipment?
  - ✓ An Environmental and Information Documentation (EID) Sheet is not required



# Construction & Design-Only Projects

- Design-only projects – funds are limited to allowable/planning related costs for an overall construction project
- Construction and Modernization projects with or without equipment, which includes New building structure or facility; or Modernization alternation, repair, remodeling and/or renovation of a building

Examples include:

- Proposed site plans, engineering designs

Examples include:

- Construction of a new standalone service delivery site
- Modernizing facility interior or exterior





# What to Include in My Application 2

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- Project Abstract and Narrative
  - Provide a detailed narrative for your project.
    - ✓ What are you specifically requesting HRSA funds for – project scope?
    - ✓ Physical location of your project (especially if different than your office location)
    - ✓ Property Activity – project includes demolition, new construction, alteration/renovation, etc.



# What to Include in My Application (2)

- EID Checklist
  - ✓ Needs to be submitted for Design-only projects, Modernization (Alteration/Renovation) and/or Construction activities.
  - ✓ The main source of information used to determine a project's environmental issues is the EID.
  - ✓ It is critical that the EID be completely and accurately completed with a FEMA Flood Insurance Rate Map (FIRM) included with the EID.

OMB No.: 0915-0324 Expiration Date: 05/31/2022



DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH RESOURCES AND SERVICES ADMINISTRATION ENVIRONMENTAL INFORMATION AND DOCUMENTATION (EID)	FOR HRSA USE ONLY	
	Award Recipient Name	
Award Number	Application Tracking #	
Project #	Project Type	
Project Title		

This Environmental Information and Documentation (EID) checklist consists of information that the agency is required to obtain to comply with the National Environmental Policy Act of 1969 (NEPA). NEPA establishes the Federal government's national policy for protection of the environment. HRSA has developed the EID for applicants of funding that would potentially impact the environment and to ensure that their decision-making processes are consistent with NEPA. Applicants must provide information and requested on the EID checklist so that HRSA may ensure compliance with NEPA.

HRSA will provide applicants with the results of the agency's environmental review through the NGA. If HRSA determines that additional environmental compliance is necessary, HRSA will notify applicable Award Recipients of specific requirements.

Public Burden Statement: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The OMB control number for this project is 0915-0324. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: HRSA Reports Clearance Officer, 5600 Fishers Lane, Room 10-29, Rockville, Maryland, 20857.

**Award Recipient Authorized Official:**  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**Award Recipient EID Preparer:**  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Address: \_\_\_\_\_

**Project Location/Address (Please note - separate EID forms are required for each project location)**  
Please provide the address where the action will occur (e.g. where equipment will be located or where renovations/new construction will occur)



# EID Form

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- The HRSA environmental reviewer reviews the EID Sheet and examines other supporting documents in the application package to verify scope - budget, site plans, engineering drawings, photographs, and state and local agency consultation letters
- Based on these documents, the environmental reviewer documents the environmental issues and assures all were addressed, or completes a request for information (RFI) to ask for additional documents or scope clarification to complete the review



# EID Form – Critical Information Required

- A clear scope of work must be included in the EID that provides the following:
  - Details of the project (new construction, renovation of existing building)
  - Square footage of the project (include whether this is new construction or addition, new ground disturbance, or interior only renovation)
  - Age of the building
  - Details on the existing conditions in the area (vegetation, waterways, wetlands, historic buildings, hazardous materials, floodplains, etc.)
  - Any previous environmental studies completed (Environmental Site Assessment, Cultural Resource Reports, Lead-based paint/asbestos testing, etc.)
  - Consultations with State or Tribal Historic Preservation Offices
  - Consultations with Federal, state or local resource agencies (fish and game, economic development, historic commissions, etc.)
  - Flood Insurance Rate Map (FIRM)



# Additional EHP Attachments to Include

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If the applicant has additional environmental documents, while not required, these documents can also be submitted with your application. These can include, but are not limited to the following:

- Any consultation documents with the State Historic Preservation Officer or other Cultural Resources Reports
- Any other environmental documents
  - Asbestos or Lead Based Paint Testing
  - Phase I Environmental Site Assessments
  - Environmental Assessments



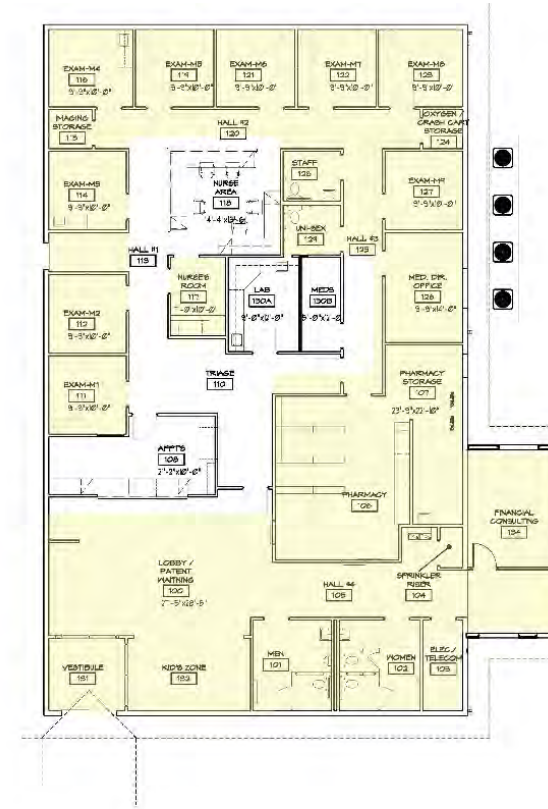
# After the Notice of Award (Post-Award)



# You Need to Complete an Environmental Assessment

## – What's Next?

- Guidance is provided to the award recipient on the scope and issues required to be covered in the EA
- Generally, the award recipient contracts out to a local Architectural & Engineering firm to complete the EA



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Lyman  
Davidson  
Dooley, 16845 Powers Ferry Road - Building 1 - Suite 100 - Marietta, GA 30067 - Tel 770-850-8494 - fax 770-850-8030 - Copyright as dated.



# Completing an Environmental Assessment

- Once EA is submitted to HRSA, the Environmental Reviewer will review and recommend revisions, if needed
- Once the EA is complete and approved by the Environmental Reviewer, the Environmental Reviewer will draft a FONSI and send to the HRSA Environmental Officer who will review and approve it by signing the FONSI
- Once the FONSI is signed, the Environmental Reviewer sends the FONSI and a public notice template to the award recipient





# Completing an Environmental Assessment, (continued)

- FONSI is released for a 15-day comment period
- If public comments are received, they should be submitted to the EHB. If the comments raised substantive issues, HRSA will work with the applicant to address both in the document and to the person or organization who provided the comments
- At this point the Environmental Reviewer will recommend to HRSA to release the environmental conditions



# Historic and Archaeological Resources

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- For buildings less than 50 years old, where the work is on the interior only, no additional analysis for historic impacts needed
- Buildings older than 50 years, or any permanent physical change to the building's exterior, requires historic review
- When an award recipient is modifying the exterior of a building, you have to consider the physical impacts not only to the building itself, but also the view to the building from historic resources in the area

# Historic and Archaeological Resources (2)

- If there is ground disturbance (such as trenching for utilities, grading a site, or excavating for a foundation), potential impacts to archaeological resources must be considered
- Background research, surveys, and/or construction monitoring may be required



# Historic and Archaeological Resources (3)

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- HRSA provides award recipients authorization to initiate consultation with State Historic Preservation Officers (SHPO)
- Initial consultation requirements differ from state to state, but generally it is a small submission with a description of the scope of work and location of the project
- SHPO often responds that there are no historic properties present or adversely affected
- This letter can be submitted as part of the application or as an additional document requested in the RFI



# Historic and Archaeological Resources (4)

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If SHPO writes back that there is an adverse affect to a historic property or archaeological resources...

- HRSA then becomes engaged in the Section 106 consultation process to identify ways to avoid or mitigate the impacts to the historic resources
- This may require additional field studies



# Historic and Archaeological Resources (5)

- HRSA may need to develop agreement documents (MOAs or PAs) with the SHPO and ACHP to complete the Section 106 process
- Requirements may include changes to design, avoiding areas where resources exist, or documenting buildings prior to demolition



# Tribal Consultation

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- Not all projects that require Section 106 review require consultation with Native American tribes
- Consultation with federally-recognized tribes is required when a project includes activities that have the potential to affect historic properties of religious and cultural significance to tribes
- These types of activities typically include substantial ground disturbance, new construction in undeveloped natural areas, work on a building or structure with significant tribal association, or transfer, lease or sale of historic properties of religious and cultural significance
- HRSA's Environmental Reviewer will send consultation letters to the THPOs



# Keys Areas that Require Additional Documentation





# Hazardous Materials

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- Existing buildings - most concerned about lead-based paint and asbestos
- Lead-based paint and asbestos testing results must be provided for areas that are to be impacted by the proposed project for existing buildings constructed before 1978
- Federal, state, and local environmental regulations must be followed in the renovation, demolition, and disposal/abatement of contaminated materials

# Presence of Hazardous Materials On Site

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- Need to look at previous uses of the site - toxic materials may have been used or stored at a location a Medical Facility wants to purchase or build
- Toxic materials could include underground storage tanks for fuels, containers of pesticides, or other similar toxins
- Previous site history may require a Phase I Environmental Site Assessment (ESA), and a Phase II ESA if the Phase I shows likelihood of the presence of contamination
- If the ESA, shows that there is contamination, remediation must occur prior to construction

# Building in the Floodplain

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- Floodplains are regulated by the Federal Emergency Management Agency (FEMA), with building code requirements integrated into local permitting and floodplain ordinances
- FEMA has mapped the majority of the nation into a database of Flood Insurance Rate Maps (or FIRMs) that show a variety of Special Flood Hazard Areas
- FEMA has a searchable database
- A flood map with the project location is expected as part of the EID submission

# Building in the Floodplain (2)

- Executive Order (EO) 11988 requires Federal agencies to evaluate their impact to the floodplains and look at all practicable alternatives to funding activities in the floodplain (the reasoning is that it is putting Federal investment at risk)
- If the site is in a FEMA flood hazard area, the award recipient must go through the EO 11988 8-step process which is documented and made available in a public notice process
- If the award recipient is conducting a NEPA EA, then the EO 11988 process can be integrated into the EA and its public notice process



# Building in the Floodplain (3)

- If the award recipient ends up building or renovating in the floodplain, they should ensure that critical building components are elevated above the flood elevation to ensure continuity of operations in a storm event



# Building in Other Sensitive Areas – Wetlands

- Wetlands and coastal zones are mapped by Federal and state agencies
- For wetlands, EO11990 directs Federal agencies to look at avoiding or minimizing impacts to wetlands
- If wetlands are impacted, a permit will be required from the USACE prior to undertaking the project



# Building in Other Sensitive Areas – Coastal Zones

- Coastal Zones are managed by State agencies and require coordination if an activity falls within certain categories (there is variation by state)
- This coordination is called a “Consistency Determination” and is required prior to implementing the project
- The applicant is required to submit the documentation to the appropriate State
- The Coastal Barrier Resource Act (CBRA) applies to barrier islands and prohibits most new building or facility expansion in these sensitive areas



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