



United States Department of Agriculture
Rural Development
Pennsylvania

PA AN No. 1261 (1940-G,1794)
January 25, 2011

SUBJECT: Public and Private Party Notices

TO: All Employees
Rural Development, Pennsylvania

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to provide guidance on RD Instruction 1940-G and 7 CFR Part 1794 - Environmental Policies and Procedures regarding Public and Private Party Notices.

COMPARISON WITH PREVIOUS AN:

This replaces PA AN No. 1240 (1940-G, 1794) that expired on June 30, 2010.

IMPLEMENTATION RESPONSIBILITIES:

The USDA Rural Development Offices as the Processing Office for an application and/or the preparer of the environmental review documents are responsible for providing guidance to the applicants regarding compliance with public involvement requirements. The Processing Office will use the spreadsheet (Attachment A) with this PA AN to determine the type of Public/Private Party Notice required, and modify the guidance letters (Attachments B, C, D, and E) to develop appropriate Notices. *The Processing Office will inform the applicant and their consultants regarding the public notice requirements and the comment period, in order to allow sufficient time prior to RD approval of the funding request.*

IMPLEMENTATION PROCESS:

The following procedures should ensure compliance with Rural Development policies on Public and Private Party Notices for environmental reviews:

- A. The *Processing Office* must determine which regulation (1940-G or 1794) is applicable to the proposed project.

EXPIRATION DATE: January 31, 2012

FILING INSTRUCTIONS:
Preceding RD Instruction 1940-G,
7CFR 1794 Policies and Procedures

One Credit Union Place • Suite 330 • Harrisburg, PA 17110-2996
Phone: (717) 237-2299 • Fax: (717) 237-2191 • TDD: (800) 654-5984 • Web: <http://www.rurdev.usda.gov/pa>

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Washington, DC 20250-9410 or call (800)795-3272 (voice) or (202) 720-6382 (TDD).

- B. *The Processing Office* and the Preparer must decide the type of environmental review to be conducted. [Categorical Exclusion, Modified Class I, Class I, Class II, Environmental Assessment under 1794, or Environmental Impact Statement (EIS)]. If an EIS is required, contact the Program Director and the State Environmental Coordinator (SEC).
- C. *The Processing Office and the Preparer* determines the potential for impact on important resources such as Farmland, Floodplain, Wetland and Cultural Resources.
- D. *The Processing Office and the Preparer* determines the type of Public Notices required. Refer to the spreadsheet, Attachment A. Note the following comments:
1. Preliminary Notice:
 - a. Required when there is potential impact on important resources, for Class I and Class II (not required for Categorical Exclusions and Modified Class I) under 1940-G.
 - b. Required for Categorical Exclusions (not for Cat. Ex. with no impact) and Environmental Assessments under 1794 that may impact important resources.
 - c. Review period of 30 days from 3rd day's Public Notice for 1940-G and 30 days from the 1st day's Public Notice for 1794.
 - d. Can be combined with the Availability Notice required for 1794.
 2. Availability Notice:
 - a. Required for Environmental Assessments for 1794, regardless of the impact on important resources. Not required for 1940-G.
 - b. Review period 30 days from the 1st day's Public Notice.
 - c. Similar to and can be combined with the Preliminary Notice.
 3. Private Party Notification:
 - a. Required when the facility is located in Floodplain or Wetland, for all environmental reviews, under both 1940-G and 1794.
 - b. Send to the applicant, purchaser and lender participating in the project.
 - c. Send at the time of Preliminary/Availability Notice.
 - d. For Single Family Housing, Form RD 3550-6 signed by the applicant is sufficient in lieu of notice to the applicant. However, **Private Party Notification** should be sent to the lender (including the lender for Guaranteed Loans).

4. Final Notice:
 - a. Required when there is a Preliminary Notice.
 - b. Publish only after the 30-day review period for the Preliminary Notice.
 - c. Address any review comments received prior to Publishing.
 - d. Under 1940-G: 15-day review period from 3rd day of Notice.
 - e. Under 1794: 0-day review period for Categorical Exclusion.
 - f. 0 to 15-day review period as established by SEC, from 1st day's Public Notice for Environmental Assessments under 1794.
 - g. Can be combined with Finding of No Significant Impact (FONSI) Public Notice.
5. FONSI Notice (Note: FONSI Notice, as opposed to FONSI statement to File):
 - a. Required for all Class II under 1940-G and Environmental Assessments under 1794.
 - b. Address any review comments received prior to Publishing.
 - c. Under 1940-G: 15-day review period starts from 3rd day of Notice.
 - d. Under 1794: 0 to 15-day review period as established by SEC, from 1st day's Public Notice for Environmental Assessments.
 - e. Can be combined with Final Notice.
- E. *The SEC shall determine the public notice requirements and inform the Processing Office, through the Environmental Documentation acceptance/Concurrence Letter.*
- F. *The Processing Office shall notify the applicants to publish the appropriate Public Notices. For specific information, see Bulletin 1794A-602 Section 5.0 and Exhibit B, and Attachments B through F of this AN. APPROPRIATE INFORMATION SPECIFIC TO EACH PROJECT MUST BE INCORPORATED IN THE HIGHLIGHTED AREAS OF ATTACHMENTS.*
- G. Require the applicant to send individual copies of Public Notices to the parties listed in Attachment G.
- H. Obtain an affidavit of the Publication, a copy of the Notice as it appeared in the newspaper, and a list of all parties receiving an individual copy of the Notice; include in the Environmental File in Position 1, Tab 6.

- I. Comments received must be incorporated in the environmental document and considered in the decision making process, *in coordination with SEC*.
- J. *Application will not be approved until the comment period has been expired, and a final Finding of No Significant Impact (FONSI) has been issued.*

If you have any questions on this subject, please contact the SEC or ASEC.

/s/ Thomas P. Williams

THOMAS P. WILLIAMS
State Director

Attachments: A through G

PUBLIC NOTICE REQUIREMENTS - 1940-G AND 7 CFR 1794

REGULATIONS - ASSESSMENT	IMPACTS: FARMLAND FLOODPLAIN WETLAND OR CULTURAL RESOURCES	PUBLIC NOTICES REQUIRED OR NOT REQUIRED	REVIEW PERIOD/OTHER COMMENTS
1940-G, Categorical Exclusion	NO	No Preliminary Notice and No Final Notice	
Modified Class I	YES or NO		
Class I and Class II	NO		
1940-G, Class I and Class II	YES	Preliminary & Final Notices Required	30 days from 3rd publication for Preliminary 15 days from 3rd publication for Final
1940-G, Class II	YES or NO	FONSI Notice Required (Can Combine with Final Notice)	15 days from 3rd publication
1940-G and All Assessments & Cat. Ex. 1794	Floodplain or Wetland	Private Party Notification required	
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1794 Categorical Exclusion	NO	No Preliminary & Final Notices	30 days from 1st publication for Preliminary and 0 days for Final
	YES	Preliminary & Final Notices Required	
1794 Environmental Assessment	NO	Availability Notice and FONSI Notice required	30 days from 1st publication for Preliminary/ Availability and 0 to 15 days for Final/FONSI. Can combine Preliminary & Availability Notices. Can combine Final & FONSI Notices.
	YES	Preliminary, Final, Availability & FONSI Notice required	

last revision: 04/28/08

***Combined Preliminary Notice of Potential Impact on Important Resources, and
Notice of the Availability of an Environmental Assessment***

Project/Applicant's Name
Name County, Pennsylvania

The USDA Rural Development has received an application */preapplication* for financial assistance; from *Name of Applicant, Name* County, Pennsylvania. As required by the National Environmental Policy Act, Rural Development has prepared an Environmental Assessment that evaluated the potential environmental effects and consequences of the proposal. This notice announces the availability of this Environmental Assessment for public review and comment.

The proposal consists of *[itemize the project's construction activities, basic components and locations]*.

If implemented, the proposal may *[insert issue - convert important farmland or affect floodplain and wetland or historical/archeological resources - include acreage, locations]*. The alternatives considered include: *[insert a very brief summary of alternatives and locations considered and discussed in the Environmental Assessment]*. The purpose of this notice is to inform the public of this proposed conversion and request comments concerning the proposal, alternative sites, or actions that would avoid these impacts, and methods that could be used to minimize these impacts. *[Include mitigating measures]*.

Copies of the Environmental Assessment are available for review at:
USDA Rural Development, *[insert address and Telephone number of the Area office]*
Applicant's office or any other local location, *[Insert address and Telephone number]*

For further information contact:
[Name and telephone number of the RD Processing Official]

Any person interested in commenting on the proposal should submit comments to the address below by *[have newspaper insert a date that is 30 days from the (first for 1794, third for 1940-G) publication date]*:

[Insert name and address of the applicable Program Director]

A general location map of the proposal is available at the *[insert location's address]*.

***Combined Final Notice of Potential Impact on Important Farmland,
Floodplain, Wetland, or Historical/Archeological Resources and
Notice of a Finding of No Significant Impact***

Project/Applicant's Name

Name County, Pennsylvania

The USDA Rural Development has received an application for financial assistance from *Name of Applicant, Name* County, Pennsylvania. The proposal involves *[itemize the project's construction activities, basic components, locations. Insert information regarding any conversion of Important Farmland, Wetland, Floodplain or adverse effect to historic properties].*

As required by the National Environmental Policy Act, and agency regulations, the USDA Rural Development has assessed the potential environmental effects of the proposal. The availability of the environmental assessment was published on *[insert date]* for a 30-day public comment period. *[Insert a brief summary, the numbers of and content of the comments including brief responses to the pertinent comments.]* Upon consideration of the applicant's proposal, comments from federal and state environmental regulatory and natural resource agencies, *[insert effect determinations to historic resources]* and public input, the agency has determined that the proposal will not have a significant effect on the human environment and for which an Environment Impact Statement will not be prepared. The basis of this determination is *[briefly summarize reasons for the location and no practicable alternative, state conformance with applicable PA or local protection standards].*

[If applicable add] In order to avoid or minimize any adverse environmental impacts, the USDA Rural Development will require the applicant to incorporate the following mitigation measures into the proposal *[briefly summarize all proposed mitigation measures and locations].*

Copies of the Environmental Assessment can be reviewed or obtained at:
[Insert the Rural Development and applicant office (local) locations and telephone numbers].

For further information, please contact:
[Insert Rural Development (Processing office) official's name and telephone number].

[If additional public review period is required, insert (Any person interested in commenting on the proposal should submit comments to the address below by (have newspaper insert a date that is 15 days from the first (third for 1940-G) publication date)]

[If applicable, insert statement indicating other participating agencies.]

A general location map of the proposed project is available at the *[insert address].*

(Private Party Notification for Floodplain)

Insert Applicant's Name and Address

RE: *[Project Name]*

Dear *Applicant,*

Based on an environmental review conducted, the proposed project submitted for financial assistance to USDA Rural Development contains facilities located in a floodplain. In accordance with Executive Order 11988 - Floodplain Management, Section 4, this letter serves to notify you of the hazards of locating a facility in a floodplain. These hazards include but are not limited to *(include information applicable to the project such as damage to or loss of real property, personal property or other assets).*

Applicants must obtain flood insurance for all insurable structures located in special flood hazard areas designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps.

If you have any questions, please contact us at *telephone number.*

Sincerely,

Name of Rural Development Official
Title

PA AN No. 1261 (1940-G, 1794)
January 25, 2011
Attachment E

(Private Party Notification for Wetland)

Insert Applicant's Name and Address

RE: *[Project Name]*

Dear *Applicant,*

Based on an environmental review conducted, the proposed project submitted for financial assistance to USDA Rural Development contains hydric soil and vegetation indicative of wetland areas on the property. In accordance with Executive Order 11990 – Protection of Wetlands, this letter serves to notify you that USDA Rural Development requires that no fill will be placed in these areas and the values of the wetland will not be compromised.

We appreciate your cooperation in protecting the values of wetland. If you have any questions, please contact us at *telephone number*.

Sincerely,

Name of Rural Development Official
Title

NAME OF APPLICANT/
ATTN:, Chairman
ADDRESS

Re: USDA Rural development's *Preliminary Notice/ Notice of Availability/Combined/ Final/FONSI* of an Environmental Assessment for *applicant's name, County, PA*

Dear **Mr./Ms. Name:**

USDA Rural Development has [*initiated/reviewed/completed*] the Environmental Report/ Assessment of the (*applicant's name*) proposal for (*type of project*). Before [*further consideration can be given to your proposal/an environmental review can be completed*], USDA regulations require that a (*insert applicable statement*)

- *Notice of the Availability of an Environmental Assessment*
- *Preliminary Notice of Potential Conversion of Important Farmland, Floodplain, Wetland, or an Adverse Effect to a Cultural Resource,*
- *Finding of No Significant Environmental Impact (FONSI)*
- *combined Final Notice and FONSI*

(copy attached) be published in a newspaper of local circulation in the area affected by the proposed project. The notice should be of reasonable size and prominence and not be placed in the classified or legal section or an obscure portion of the newspaper. The publication frequency shall be three (3) consecutive days for daily newspapers or two (2) consecutive weeks in weekly newspapers. An individual copy of the notice must also be sent to the agencies contacted during the environmental review, local, county and regional planning agencies, landowners or residents who live or own property adjacent to facilities or are directly affected by construction of the facilities and interested individuals or groups. It is the (*insert name of applicant*) responsibility to make the necessary arrangements to publish and distribute the enclosed notice.

You must provide the (*insert name of Rural Development Office processing the application*) with a copy of the published notice as it appeared, the name(s) of the newspaper(s) in which the notice was published, the dates of publication, an affidavit of publication and a list of all parties receiving an individual copy of the notice soon after publication, but not later than the end of the comment period.

If you have any questions, please contact (*name of the preparer and title*) in the (*name of RD office*) at (*address and telephone number*).

/s/
Name of approving official/Program Director
Title

Attachment

PARTIES NORMALLY RECEIVING INDIVIDUAL COPY OF PUBLIC NOTICES

U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

State Historic Preservation Officer
Bureau of Historic Preservation
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120-0093

Department of Environmental Protection
The Policy Office
15th Floor, Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Regional Planning Agency for Intergovernmental Review under Executive Order 12372

Local and County Governments

Other parties and agencies providing financing or review assistance

Other interested or affected parties including landowners adjacent to the project site - it is **NOT** necessary to send copies to all property owners along a sewer or water line.