

# ENVIRONMENTAL REVIEW REQUIREMENTS

## LAND & WATER CONSERVATION FUND APPLICANTS

### PROCESS GUIDANCE - 2025

#### FEDERAL ACTIONS - THE NEPA AND NHPA PROCESS, BACKGROUND & STEPS

As federally funded projects (e.g. a federal action), LWCF proposals (e.g. a proposed action) are required to complete the NEPA and NHPA review processes prior to an award of grant funds.

1. **THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969**, as amended, is a process that guides the assessment of potential environmental impacts from federal actions.

The NEPA process includes compliance with federal, state, and local environmental regulations, including the Endangered Species Act (*Section 7*), Historic Preservation Act (*Section 106*), Clean Water Act/Waters of the United States (*Wetlands and waterways*), and the Coastal Zone Management Act.

Permits - Some projects may be subject to state and federal level permitting and/or resource surveys and delineations (i.e. local floodplains, wetlands/shorelines). The NEPA process helps identify possible permits during initial project review submissions to the coordinating agency. The project-specific details from the scope of work along with the area of impact/effect maps will help identify potential permits by each reviewing agency.

The National Park Service must make a transparent and informed decision with a thorough review of the “proposed action” (e.g. LWCF project proposal) and determine the “NEPA pathway” (See Figure 1). Projects begin the federal NEPA process after applicants complete local and state-level screening and reviews, then submit the NPS A&R Form along with all feedback/correspondence from reviewing agencies.

2. **THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (NHPA)** requires federal agencies, **under Section 106**, to consider the effects of federal actions on historic and cultural resources. NHPA Section 106 includes the requirement of formal consultation between Tribal Nations and the U.S. Federal Government of the proposed action, as well as consultation with the State Historic Preservation Officer (SHPO). *Virginia’s SHPO is the VA Department of Historic Resources (VADHR).*

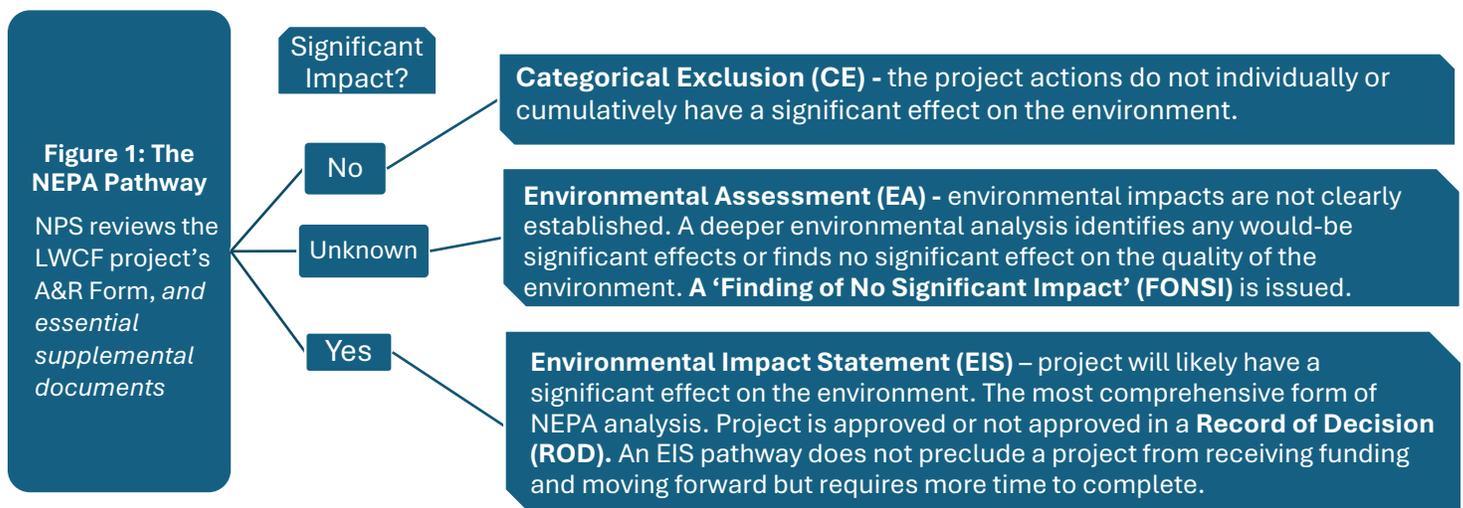


Figure 1: The NEPA Pathway

## Preliminary Review Steps

### ENVIRONMENTAL STATE-LEVEL REVIEWS

Also see A&R Form Section C, pages 9-15 for NEPA context

**How to Start?** Using the defined project boundary and limits of disturbance area(s):

**Use screening tools in [Section 4.3 of the Virginia Outdoors Plan](#) – See numbers 1-4, and 8**

**Step 1 – Prescreening:** Use the screening tools to assess environmental features in the project area that are A) present, and B) *may be* impacted. Tools include federal and state-monitored habitat & sensitive species (1,2), wetlands and streams (3), floodplains (4), and the NEPAassist tool (8).

**Step 2 – Environmental and Cultural Resources Impact(s) (See Project Details Guidance\* page):** Briefly summarize findings from screening tools results. You may include how the project seeks to improve any of the identified resources, and the communities in which they occur. Some screening tools autogenerate reports with a list of resources in and around the boundary.

*(Optional) prepare a digital boundary (GIS shapefile or KMZ file) of the project boundary for online prescreening and “formal review” submission tools. Contact LWCF program staff for assistance if you do not have access to geospatial tools.*

**Step 3 – Formal Review Submissions:**

- Submit the project details to DEQ document submission under ‘For Locally Sponsored, Federally Funded Projects’: [Document Submissions | Virginia DEQ](#)
- Submit the project details to [IPaC](#) (U.S. Fish & Wildlife) to begin formal review under Section 7.

The below submissions are dependent on the scope of the project and impacts to specific resources.

- Contact the [U.S. Army Corps of Engineers](#) (USACE) for development or ecological restoration projects that are **within or adjacent to wetlands and streams**, and provide regional USACE staff with the Project Details\*. A pre-application meeting with regional USACE staff may be arranged as needed based on availability and project details.
- Contact [VA DEQ](#) for additional guidance on development **projects that impact state waters or uncertainties regarding permitting**, especially projects under U.S. Army Corps of Engineers reviews that may require a Joint Permit Application.
- Floodplain rules are unique to local ordinances. Contact your local [floodplain administrator](#) regarding **all development in the floodplain**.
- State-funded projects in the floodplain must coordinate permits through [DCR Floodplains](#).

**Use the above information and any reviewer feedback (if provided) to complete a draft version of A&R Form Section C, including Tables 1 and 2. Provide PDF’s of comments received.**

**Proceed to Step 4 if Project is selected during DCR’s LWCF Open Project Selection Process (the grant round)**

**Step 4 – Fulfill Review Recommendations:** Coordinate and prepare for any required species surveys, wetland delineations, and permit guidance that arise from Step 3. Document pre-arrangements or contracts and contact the DCR grants administrator. Ensure all possible permits are identified for the project (USACE, DEQ, local floodplains, erosion & sediment control, etc.).

**Step 5 – NEPA Document preparation:** Use the above feedback to **update and finalize** the NPS A&R Form details in sections C and D, Tables 1 and 2 (pgs. 9-15). The NPS A&R Form will be used by NPS to determine the NEPA Pathway.

**Step 6 –** Complete all required surveys and obtain permits that are required under environmental resources protection programs. Send documentation to DCR including all agency correspondence.

## Preliminary Review Steps (continued)

### CULTURAL RESOURCES AND TRIBE CONSULTATION, STATE-LEVEL REVIEWS

*Also see A&R Form Section D, pages 9-15 for NEPA context*

Refer to screening tools in [Section 4.3 of the Virginia Outdoors Plan](#) - See numbers 5 & 6.

**How to Start?** Using the defined project that includes a defined ‘Area of Potential Effect’ and depth of disturbance\* details:

**Step 1 – Prescreening:** Use the VADHR VCRIS (5) public viewer mapping tool to review project area alongside nonsensitive archaeological data. Use the Tribal Directory Assessment (TDAT) mapping tool (6) to **familiarize** yourself with federal tribe nations with special interests to the project area. NPS will coordinate federal tribal consult, “nation-to-nation.” Prescreening steps facilitate more efficient formal reviews and anticipated archaeological survey requirements. Applicants are encouraged to establish relationships with Tribe leaders during project planning to better facilitate preservation initiatives.

**Step 2 – Preliminary Review (required):** Conduct the [DHR Archives Search](#). Communication with assigned DHR technical staff is recommended to anticipate additional study needs after the archives record report is available.

**Use the above information and any reviewer feedback (if provided) to complete draft version of A&R Form section D.**

**Step 3 – Formal Review Submission:** Submit Project Details to the [VADHR ePIX](#) to begin Section 106 formal review by the SHPO.

Note: Section 106 is a multiple-step process with concurrent reviews across state and federal entities. Tribe consultation ideally begins between Steps 2 and 3 so that Tribe consultation is included in the ePIX submission, and the SHPO can provide a final determination including whether a Phase I survey is needed for the project area to avoid damaging impacts to archaeological resources. Applicants may submit projects through

ePIX concurrently as NPS seeks consultation with tribal nations, and VADHR will wait to provide a formal letter that concludes the process after all requirements under Section 106 are fulfilled. NPS and federal-level Tribe consultation will proceed forward if a project is selected during the DCR grant round.

### **Proceed to Step 4 if Project is selected during DCR's LWCF Open Project Selection Process (the grant round)**

**Step 4** – Arrange for an archaeological and/or cultural Phase I Survey (or other directive) if VADHR advises to do so based on DHR Archives Search, Tribe request, and/or ePIX findings.

**Step 5** – Return Phase I Survey report to VADHR to receive **Final Effect Letter**

**Step 6** – Send **Final Effect Letter** to DCR (will be on a state seal letterhead)

**Step 7** – Update the A&R Form (NPS Application) based on the feedback provided in the Final Effect Letter. The NPS A&R Form will be used by NPS to determine the NEPA Pathway and ensure requirements of Section 106 have been fulfilled.

## **Project Details Guidance (for all agency submissions)**

### **Referenced in Step 2 of Environmental State-Level Reviews**

Preparing the project details below with visual and supplemental materials is a best-practice approach for formal review of *potential* environmental/cultural impacts. This information will also be used in the A&R Form (NPS Application) of the application packet (Sections C & D, Tables 1&2, pgs 9-15). Applicants will submit provisional details from prescreening, or returned feedback from formal reviews if available, on the A&R Form during the August 28, 2025 application deadline. If the project is selected to advance forward, the A&R Form will be updated to reflect final comments from reviewing entities.

Limit the project description to essential details only. This information is only for environmental reviews and will not be part of grant scoring.

**NOTE:** The USFWS Virginia Ecological Field Office page features a new comprehensive guide to prepare project review documentation in IPaC. Visit [Project Review Page](#) for a step-by-step guide.

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- 1. Project Narrative** - Overview of proposed project and the location, including the kinds of public-access outdoor amenities that will be created. Be general about the kinds of amenities for future development [example: “these funds will be used to develop picnic tables, sports fields, and trails”]. *More specific details can be described in the Scope of Work.*

**For Acquisition Projects, also include additional sentences regarding:**

- a. General plans for the property currently and in the future
- b. Describe existing conditions and potential developments within the next 3 years
  1. For possible developments, address all foreseeable direct, indirect, and cumulative impacts of the new recreation area (noise, air, water quality, socioeconomic).
  2. *Anticipated* depth of ground disturbance\* based on planned development.

- 2. Existing Conditions** - Description of current site conditions including *known* cultural resources, natural resources (wetlands, streams, forested areas, open areas), existing structures/built environment including trails, parking, and paved/unpaved property roads.
- 3. Scope of Work (Development Projects)** - \*Referencing the Site Development Plan/conceptual design plan required in the Application packet: Description of all planned land disturbance; construction and demolition, and changes to the landscape not limited to grading, clearing, and restoration plans where applicable. Specify expected number of amenities and their location across the project area (how many picnic tables, parking for number of vehicles, etc.).

**Ground disturbance details must include:**

- a. Depth of ground disturbance\* (required for VADHR/Section 106/Tribe consultation)

- 4. Environmental and Cultural Resources Impact(s)** – Use the results from the screening tools to consider *possible or known* direct and indirect impacts that may help identify the need for surveys and permitting later [example: “an existing access road over an intermittent stream will be reconstructed and improved to reduce current flooding issues during heavy rain events”.] Early

identification of positive, negative, or unknown impacts to wetlands, streams, shorelines, or other sensitive areas, including for restoration projects reduces delays and eligibility for project awards.

Concise details help facilitate an efficient NEPA and Section 106 process but are not intended to hinder the Applicant. Please contact the LWCF grant staff or a reviewing agency for project-specific guidance.

5. **Funding** - List of all funding sources (federal, state, local).
6. **Contact** - Preferred contact info for applicant/consultant.
7. **Public Comments** - Record of community coordination and any public comments.

## **Maps**

### **8. Area of Potential Effect (APE) and Limits of Disturbance on USGS Topo Map**

Use VADHR guide: [Defining Your APE.pdf](#)

**APE Map elements** to include where applicable (label or use a map legend of the areas):

- a. Entire property boundary and Acres
- b. Direct impact areas: Delineated areas within the boundary for planned recreation amenities/facilities/disturbance sites where ground disturbance is possible or likely.
- c. Indirect impact areas: Locations where the project may be visible or audible beyond the project boundary (during construction activities and/or long-term recreational use).

**\*\*Limits of Disturbance Map:** If the project *construction* area(s) are adjacent to or within any wetlands, streams, or shorelines an Army Corps of Engineers and/or state-level permit may be needed. Preliminary review map elements to include when construction activities may impact resources, including restoration projects:

- a. Entire property boundary and total property acres
- b. Labeled “limits of disturbance” area(s) – this may be the property boundary and additional areas within the boundary undergoing construction.
- c. Hydric soils (7)
- d. Wetlands (3)

**\*Depth of ground disturbance** means to specify the maximum anticipated depth (feet or inches) and area (square feet or acres) of soil excavation or ground-altering activities. Note any previous disturbance such as utilities, cultivated lands, or development.

The purpose is to determine potential impacts to buried cultural resources, and if a **Phase 1 archaeological survey** is needed (common requirement). This information is necessary for complete Section 106 review, including Tribal Consultation.

**\*\*Limits of Disturbance Map** may only be needed if the project entails review by USACE, floodplain administrators. The VOP screening tools (3, 7) available in [Section 4.3 of the Virginia Outdoors Plan](#) allow for polygon creation and shapefile submission that will assist reviewers if submitted ahead of time.