human environment. The responsible entity may then proceed to §58.43.

(2) A finding of significant impact, in which the project is deemed to be an action which may significantly affect the quality of the human environment. The responsible entity must then proceed with its environmental review under subpart F or G of this part.

§ 58.43 Dissemination and/or publication of the findings of no significant impact.

(a) If the responsible entity makes a finding of no significant impact, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. As a minimum, the responsible entity must send the FONSI notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The responsible entity may also publish the FONSI notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process.

(b) The responsible entity may disseminate or publish a FONSI notice at the same time it disseminates or publishes the NOI/RROF required by §58.70. If the notices are released as a combined notice, the combined notice shall:

(1) Clearly indicate that it is intended to meet two separate procedural requirements; and

(2) Advise the public to specify in their comments which “notice” their comments address.

(c) The responsible entity must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. If funds will be used in Presidentially declared disaster areas, modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds.

§ 58.45 Public comment periods.

Required notices must afford the public the following minimum comment periods, counted in accordance with §58.21:

(a) Notice of Finding of No Significant Impact (FONSI). 15 days when published or, if no publication, 18 days when mailing and posting

(b) Notice of Intent to Request Release of Funds (NOI-RROF). 7 days when published or, if no publication, 10 days when mailing and posting

(c) Concurrent or combined notices. 15 days when published or, if no publication, 18 days when mailing and posting

§ 58.46 Time delays for exceptional circumstances.

The responsible entity must make the FONSI available for public comments for 30 days before the recipient files the RROF when:

(a) There is a considerable interest or controversy concerning the project;

(b) The proposed project is similar to other projects that normally require the preparation of an EIS; or

(c) The project is unique and without precedent.

§ 58.47 Re-evaluation of environmental assessments and other environmental findings.

(a) A responsible entity must re-evaluate its environmental findings to determine if the original findings are still valid, when:

(1) The recipient proposes substantial changes in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project;

(2) There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued; or

(3) The recipient proposes the selection of an alternative not in the original finding.

(b)(1) If the original findings are still valid but the data or conditions upon which they were based have changed,
the responsible entity must affirm the
original findings and update its ERR
by including this re-evaluation and its
determination based on its findings.
Under these circumstances, if a FONSI
notice has already been published, no
further publication of a FONSI notice
is required.

(2) If the responsible entity deter-
mines that the original findings are no
longer valid, it must prepare an EA or
an EIS if its evaluation indicates po-
tentially significant impacts.

(3) Where the recipient is not the re-
sponsible entity, the recipient must in-
form the responsible entity promptly
of any proposed substantial changes
under paragraph (a)(1) of this section,
new circumstances or environmental
conditions under paragraph (a)(2) of
this section, or any proposals to select
a different alternative under paragraph
(a)(3) of this section, and must then
permit the responsible entity to re-
evaluate the findings before pro-
ceeding.

[61 FR 19122, Apr. 30, 1996, as amended at 63
FR 15272, Mar. 30, 1998]

Subpart F—Environmental Review
Process: Environmental Im-
pact Statement Determina-
tions

§ 58.52 Adoption of other agencies’
EISs.

The responsible entity may adopt a
draft or final EIS prepared by another
agency provided that the EIS was pre-
pared in accordance with 40 CFR parts
1500 through 1506. If the responsible en-
tity adopts an EIS prepared by another
agency, the procedure in 40 CFR 1506.3
shall be followed. An adopted EIS may
have to be revised and modified to
adapt it to the particular environ-
mental conditions and circumstances
of the project if these are different
from the project reviewed in the EIS.
In such cases the responsible entity
must prepare, circulate, and file a sup-
plemental draft EIS in the manner pre-
scribed in §58.60(d) and otherwise com-
ply with the clearance and time re-
quirements of the EIS process, except
that scoping requirements under 40
CFR 1501.7 shall not apply. The agency
that prepared the original EIS should
be informed that the responsible entity
intends to amend and adopt the EIS.
The responsible entity may adopt an
EIS when it acts as a cooperating agen-
cy in its preparation under 40 CFR
1506.3. The responsible entity is not re-
quired to re-circulate or file the EIS,
but must complete the clearance proc-
ess for the RROF. The decision to
adopt an EIS shall be made a part of
the project ERR.

§ 58.53 Use of prior environmental im-
pact statements.

Where any final EIS has been listed
in the Federal Register for a project
pursuant to this part, or where an
areawide or similar broad scale final
EIS has been issued and the EIS antici-
pated a subsequent project requiring an
environmental clearance, then no new
EIS is required for the subsequent
project if all the following conditions
are met:

(a) The ERR contains a decision
based on a finding pursuant to §58.40
that the proposed project is not a new
major Federal action significantly af-
flecting the quality of the human en-
vironment. The decision shall include:

(1) References to the prior EIS and
its evaluation of the environmental
factors affecting the proposed subse-
quent action subject to NEPA;

(2) An evaluation of any environ-
mental factors which may not have
been previously assessed, or which may
have significantly changed;

(3) An analysis showing that the pro-
posed project is consistent with the lo-
cation, use, and density assumptions
for the site and with the timing and ca-
pacity of the circulation, utility, and
other supporting infrastructure as-
sumptions in the prior EIS;

(4) Documentation showing that
where the previous EIS called for miti-
gating measures or other corrective ac-
tion, these are completed to the extent
reasonable given the current state of
development.

(b) The prior final EIS has been filed
within five (5) years, and updated as
follows:

(1) The EIS has been updated to re-
fect any significant revisions made to
the assumptions under which the origi-
nal EIS was prepared;