

**CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE**

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**Tax Credit Assistance Program (TCAP) Environmental Requirements & Guidance**

Borrowers receiving Tax Credit Assistance Program funds as the funding through the American Recovery and Reinvestment Act of 2009 are subject to the National Environmental Policy Act Part 58 and the related authorities.

HUD has designated TCAC as the "Responsible Entity" for the NEPA 24 CFR Part 58 and related authorities environmental review process. Following is guidance on the NEPA process:

**A. Environmental Review Preparer:**

While TCAC is ultimately responsible for the completion of the environmental process, the preparation responsibility is delegated to the project sponsor. In this capacity, the project sponsor will complete the NEPA review by collecting and preparing the necessary environmental documentation for the Environmental Review Record (ERR) which will ultimately reside at TCAC. Once completed, the project sponsor sends the completed environmental review and all back-up documentation to TCAC for review and inclusion in the ERR. The documents must be prepared for TCAC's signature as the Certifying Officer.

All projects must provide an opportunity for the State Historic Preservation Officer to comment. TCAC has provided guidance on the format that must be used for the submittal of information to the State Historic Preservation Office (SHPO) for consultation. The guidance and format can be found at <http://www.treasurer.ca.gov/ctcac/arra.asp>. If consultation has been done previously for another certifying entity, you will not be required to consult SHPO again.

**Upon approval of the NEPA ERR documentation by TCAC, the project sponsor will be directed to publish the Notice of Intent to Request Release of Funds combined with a Finding of No Significant Impact, using the TCAC required format and instructions.** There is a **15 day comment period** for this publication. Categorically Excluded projects that convert to Exempt under NEPA may not be required to publish. Per the publication template that TCAC will supply to the sponsor, the project sponsor will take comments and reply. Those comments and any replies will become a part of the ERR and be included in the submission of documents to TCAC.

## B. **Reviewing Agency:**

After publication, TCAC will review the entire environmental package, including the publication and comments with the replies to those comments. Once approved, TCAC (the Certifying Officer) will execute the documents and then TCAC will request the release of funds from HUD. This begins a **second 15 day comment period**. TCAC will provide confirmation of NEPA clearance to the project sponsor when TCAC receives confirmation from HUD that funds are released.

If a local government or state agency has already prepared a NEPA environmental review of the same project activities and site for another program, TCAC may review and adopt the local or state review, if adequate. All publications and final HUD approval will still be required. In addition, the environmental review documents must be prepared for TCACs signature and certification.

Please contact Noemy Iniguez, TCAC analyst at (916) 651-0808 or Lisa Vergolini, Deputy Executive Director at (916) 653-4718 for questions related to this process.

**NOTE:** TCAC is in the process of procuring a NEPA consultant to assist in reviewing and processing the environmental review documents. Further contact information will be forthcoming once the consultant contract is in place.