

OFFICE OF THE GOVERNOR

KAY IVEY
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

KENNETH W. BOSWELL
DIRECTOR

April 9, 2020

MEMORANDUM

TO: All Interested Parties

From: Shabbir Olia, CED Division Chief

A handwritten signature in blue ink, appearing to be "SOS", is written over the "From:" line.

Due to the National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak and restrictions on personal interactions, the Office of Environment and Energy (OEE) is expanding the options for public review of the Environmental Review Record (ERR).

During the National Emergency concerning COVID-19, the Responsible Entity (RE) should work with the public to provide the ERR electronically or via U.S. mail upon request. The RE may also make the ERR available electronically on the official RE website. If the RE chooses to make the ERR available via email, U.S. mail, or online, the public notice should be updated to include the following language, as applicable:

"Additional project information is contained in the Environmental Review Record (ERR). The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to _____ or by email to _____. The ERR can be accessed online at the following website _____."

These additions only apply to Notices that have not been disseminated as of today's note. If you have any questions please email the Environmental Officer, Chris Perkins, at christopher.perkins@adeca.alabama.gov.

SAO:CGP:tmn

Consultation, Review, and Comment on the Environmental Review Record in Response to COVID-19

Due to the National Emergency concerning the Novel Coronavirus Disease (COVID-19) Outbreak and restrictions on personal interactions, the Office of Environment and Energy (OEE) is expanding the options for public review of the Environmental Review Record (ERR).

Public Availability of the ERR

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Additional project information is contained in the Environmental Review Record (ERR). The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to _____ or by email to _____. The ERR can be accessed online at the following website _____.

Accepting Public Comments

If the RE chooses to send the ERR to the public for review via U.S. mail, the RE should allow for flexibilities in the timing of the public comment period. For example, if a copy of the ERR is requested via U.S. mail on day 12 of the 15 day public comment period, the RE should allow enough time for the ERR to be mailed to the recipient and for the recipient to respond with comments. In this case, the RE should establish a timeframe for accepting comments with the person requesting the ERR.

Submitting Objections

Due to HUD staff working remotely, any objections to HUD's release of funds should now be sent via email during the objection period. REs should work with their local HUD office to determine an appropriate or centralized email address to include in the public notice using the following language:

Objections must be prepared and submitted via email in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to [HUD office] at [**email address of that office**]. Potential objectors should contact [HUD office] via email to verify the actual last day of the objection period.

Section 106 Consultation

The Advisory Council on Historic Preservation (ACHP) requests that most communications regarding Section 106 reviews be submitted directly to staff via email or phone – no hard copy mail. HUD reviewers are Anthony Guy Lopez (alopez@achp.gov, 202-517-0220) and Sarah Stokely (sstokely@achp.gov, 202-517-0224). For notification of Adverse Effect, continue to use the e-106 form. Timeframes in 36 CFR 800 remain in effect for ACHP, although the ACHP urges flexibility if SHPOs, THPOs and Tribes are having trouble meeting 30-day deadlines. ACHP may allow extension of deadlines

for SHPO/THPOs that are experiencing office closures or staff reductions due to COVID-19. [View the current status of SHPO/THPO offices.](#)

HUD-assisted COVID-19 related projects that are reviewed through May 29, 2020 can comply with Section 106 through a notification and seven-day comment period for State and Tribal Historic Preservation Officers (SHPOs and THPOs) instead of the usual 30-day consultation and concurrence process. The Advisory Council on Historic Preservation approved the extended emergency period and it may be further extended if necessary. The shortened emergency review process only applies to COVID-19 response projects. [View the HUD Extension Regarding Section 106 Review of Undertakings Responding to COVID-19 Emergency and Disaster Declarations approval letter.](#)

[View more ACHP guidance on Section 106 review during the pandemic.](#)