

What is adoption?

Adoption is a tool to avoid duplication of effort where two or more agencies would otherwise be required to complete individual or their own environmental reviews for a single project. After one agency has completed its environmental review, another agency considering the same project may adopt that completed review in lieu of preparing a new review and repeating the same analysis and compliance steps.

Under CEQ's new rule at § 1506.3, federal agencies and REs¹ may adopt environmental reviews completed by another agency at any level of review. HUD encourages adoptions to the extent possible for all EISs, EAs, and categorically excluded reviews. When other Federal, State, tribal, or local agencies have prepared an environmental review under NEPA for a project now proposed for HUD assistance, HUD or the RE should always request these documents and adopt them to the extent that this will reduce the workload or shorten the timeline compared to preparing a new HUD review.²

How do I adopt an environmental review in full?

HUD and REs may adopt environmental reviews completed by another HUD office, RE, or federal agency. When adopting an environmental review in full, HUD or the RE may adopt the original agency's level of review determination – including a determination that a categorical exclusion applies – regardless of the level of review that would be required under HUD's regulations in parts 50 or 58.

Processing adoptions

When adopting an environmental review in full, HUD or the RE should:

1. Independently review the environmental review;
2. Determine that the original environmental review meets the criteria for adoption under 40 CFR 1506.3;
3. Confirm that the project scope and description in the environmental review is the same as the current proposal;
4. Document that the project complies with all related laws and authorities listed in 24 CFR 50.4 or 58.5 and 58.6³, including HUD's unique health and safety standards in §§ 50.3(i) and 58.5(i), 24 CFR parts 51 and 55 (including § 55.1), and other program requirements that may not have been contemplated in the original environmental review; and
5. Complete the Request for Release of Funds (RROF) process described in 24 CFR 58.70-58.71.

Adopted reviews must meet the requirements of part 50 or 58, with the exception that the level of review determination may be based solely on the original agency's determination. All adoptions at the EA or EIS level, whether processed under part 50 or part 58, must be published in accordance with 40 CFR 1506.3(b)-(c). Environmental reviews that are posted or archived using HEROS meet these publishing requirements.

Documenting adoptions

HUD or the RE's environmental review record must include documentation of the adoption signed or certified by the Approving Official or Certifying Officer. HUD or the RE shall inform the agency that prepared the original review of the adoption and any new mitigation measures or conditions on the Project. The documentation of adoption must:

1. Demonstrate compliance with the procedural steps above;

2. Cite the original environmental review; and
3. Incorporate any special conditions and mitigation measures into project plans, ensuring that these requirements are incorporated into project documents and agreements.

How do I adopt an environmental review in part?

Where an environmental review has been completed but cannot be adopted in full, individual elements of the original environmental review may be adopted into a new environmental review record prepared following the normal procedures in part 50 or 58. This may be appropriate if the project description or environmental conditions changed such that not all documents are still applicable or if some aspects of the analysis do not cover the full aggregated HUD project description.

To adopt select aspects of an existing environmental review, HUD or the RE must:

1. Independently review any relevant documents and incorporate only those documents that are still valid and relevant to the current proposal; and
2. Clearly indicate in the environmental review record which documents were incorporated from the original environmental review.