



United States Department of Agriculture  
Rural Development  
Pennsylvania State Office  
[www.rurdev.usda.gov/pa](http://www.rurdev.usda.gov/pa)

PA AN No. 1225 (1940-G/1794)  
April 28, 2008

SUBJECT: Public and Private Party Notices  
TO: All Employees  
Rural Development, Pennsylvania

**PURPOSE/INTENDED OUTCOME:**

To provide guidance on RD Instruction 1940-G and 7CFR Part 1794 - Environmental Policies and Procedures, regarding Public and Private Party Notices.

**COMPARISON WITH PREVIOUS AN:**

This replaces PA AN No. 1214 (1940-G/1794) that expired on March 31, 2008.

**IMPLEMENTATION RESPONSIBILITIES:**

The Rural Development Processing Office as the preparer of the environmental documentation is responsible for providing guidance to the applicants regarding compliance with public involvement requirements. The preparer will use the spreadsheet (Attachment A) with this PA AN to determine the type of Public/Private Party Notice required, and modify the guidance letters (Attachments B, C, and D) to develop appropriate Notices.

**APPROPRIATE INFORMATION SPECIFIC TO EACH PROJECT MUST BE INCORPORATED IN THE HIGHLIGHTED AREAS OF THE GUIDANCE LETTERS.**

**IMPLEMENTATION PROCESS:**

The following are the steps to ensure compliance with Rural Development policies on Public and Private Party Notices for environmental reviews:

1. Preparer must determine which regulation (1940 G or 1794) is applicable to the proposed project.

EXPIRATION DATE: April 30, 2009

FILING INSTRUCTIONS:  
Preceding FmHA Instruction 1940-G/  
7CFR 1794 Policies and Procedures

One Credit Union Place, Suite 330, Harrisburg, PA 17110-2996  
(717) 237-2299 TTY/TDD & Voice 711; TTY/TDD Only 1-800-654-5984

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."  
To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382(TDD).

2. Preparer must decide the type of environmental review to be conducted. [Categorical Exclusion, modified Class I, Class I, Class II, Environmental Assessment under 1794, or Environmental Impact Statement (EIS)]. If an EIS is required, contact the Program Director and the State Environmental Coordinator (SEC).
3. Preparer determines the potential for impact on important resources such as Farmland, Floodplain, Wetland and Cultural Resources.
4. Preparer determines the type of Public Notices required. Refer to the spreadsheet, Attachment A. Note the following comments:

- Preliminary Notice:

Required when there is potential impact on important resources, for Class I and Class II (not required for Categorical Exclusions and Modified Class I) under 1940 G.

Required for Categorical Exclusions (not for Cat. Ex. with no impact) and Environmental Assessments under 1794 that may impact important resources.

Review period of 30 days from 3<sup>rd</sup> day's Public Notice for 1940 G and 30 days from the 1<sup>st</sup> day's Public Notice for 1794.

Can be combined with the Availability Notice required for 1794.

- Availability Notice:

Required for Environmental Assessments for 1794, irrespective of the impact on important resources. Not required for 1940 G.

Review period 30 days from the 1<sup>st</sup> day's Public Notice.

Similar to and can be combined with the Preliminary Notice.

- Private Party Notification:

Required when the facility is located in Floodplain or Wetland, for all environmental reviews, under both 1940 G and 1794.

Send to the applicant, purchaser and financier participating in the project.

Send at the time of Preliminary/Availability Notice.

For Single Family Housing, Form 3550-6 signed by the applicant is sufficient in lieu of notice to the applicant. However, **Private Party Notification** should be sent to the Lender (including the lender for Guaranteed Loans).

- Final Notice:

Required when there is a Preliminary Notice.

Publish only after the 30-day review period for the Preliminary Notice.

Address any review comments received prior to Publishing.

15-day review period from 3<sup>rd</sup> day of Notice, under 1940 G.

0-day review period for Categorical Exclusion under 1794.

0 to 15-day review period as established by SEC, from 1<sup>st</sup> day's Public Notice for Environmental Assessments under 1794.

Can be combined with FONSI Public Notice.

- FONSI Notice: (Note: FONSI Notice, as opposed to FONSI statement to File)  
Required for all Class II under 1940 G and Environmental Assessments under 1794.

Address any review comments received prior to Publishing.

15-day review period starts from 3<sup>rd</sup> day of Notice under 1940 G.

0 to 15-day review period as established by SEC, from 1<sup>st</sup> day's Public Notice for Environmental Assessments under 1794.

Can be combined with Final Notice.

5. Require the applicant to send individual copy of Public Notices to the parties listed in Attachment F.
6. Obtain an affidavit of the Publication, a copy of the Notice as it appeared in the Newspaper, and a list of all parties receiving individual copy of the Notice; include in the Environmental File.
7. Application will not be approved until the comment period has been expired. Comments received must be incorporated in the environmental document and considered in the decision making process.

If you have any questions on this subject, please contact the Program Director or State Environmental Coordinator.

*/s/ Gary H. Groves*

**GARY H. GROVES**  
State Director

Attachments: A through F

**ATTACHMENT A**

**PUBLIC NOTICE REQUIREMENTS - 1940-G AND 7 CFR 1794**

REGULATIONS - ASSESSMENT	IMPACTS: FARMLAND FLOODPLAIN WETLAND OR CULTURAL RESOURCES	PUBLIC NOTICES REQUIRED OR NOT REQUIRED	REVIEW PERIOD/OTHER COMMENTS
1940-G, Categorical Exclusion Modified Class I Class I and Class II	NO YES or NO NO	No Preliminary Notice and No Final Notice	
1940-G, Class I and Class II	YES	Preliminary & Final Notices Required	30 days from 3 <sup>rd</sup> publication for Preliminary 15 days from 3 <sup>rd</sup> publication for Final
1940-G, Class II	YES or NO	FONSI Notice Required (Can Combine with Final notice)	15 days from 3 <sup>rd</sup> publication
1940-G and All Assessments & Cat. Ex. 1794	Floodplain or Wetland	Private Party Notification required	
1794 Categorical Exclusion	NO YES	No Preliminary & Final Notices Preliminary & Final Notices Required	30 days from 1 <sup>st</sup> publication for Preliminary and 0 days for Final
1794 Environmental Assessment	NO YES	Availability Notice and FONSI Notice required Preliminary, Final, Availability & FONSI Notice required	30 days from 1 <sup>st</sup> publication for Preliminary/ Availability and 0 to 15 days for Final/FONSI. Can combine Preliminary & Availability Notices. Can combine Final & FONSI Notices.

**ATTACHMENT B**

**Combined Preliminary Notice of Potential Impact on Important Resources, and  
Notice of the Availability of an Environmental Assessment**

**Project/Applicant's Name  
Name County, Pennsylvania**

The USDA, Rural Development has received an application */preapplication* for financial assistance; from *Name of Applicant, Name* County, Pennsylvania. As required by the National Environmental Policy Act, the Rural Development has prepared an Environmental Assessment that evaluated the potential environmental effects and consequences of the proposal. This notice announces the availability of this Environmental Assessment for public review and comment.

The proposal consists of *[itemize the project's construction activities, basic components and locations]*.

If implemented, the proposal may *[insert issue - convert important farmland or affect floodplain and wetland or historical/archeological resources - include acreage, locations]*. The alternatives considered include: *[insert a very brief summary of alternatives and locations considered and discussed in the Environmental Assessment]*. The purpose of this notice is to inform the public of this proposed conversion and request comments concerning the proposal, alternative sites, or actions that would avoid these impacts, and methods that could be used to minimize these impacts. *[Include mitigating measures]*.

Copies of the Environmental Assessment are available for review at:  
USDA Rural Development, *[insert address and Telephone number of the processing office]*  
Applicant's office or any other location, *[Insert address and Telephone number]*

For further information contact:  
*[Name and telephone number of the RD processing officer]*

Any person interested in commenting on the proposal should submit comments to the address below by *[have newspaper insert a date that is 30 days from the (first for 1794, third for 1940 G) publication date]*:

*[Insert name and address of the Program Director]*

A general location map of the proposal is available at the *[insert locations' address]*.

**ATTACHMENT C**

**Combined Final Notice of Potential Impact on Important Farmland,  
Floodplain, Wetland, or Historical/Archeological Resources and  
Notice of a Finding of No Significant Impact**

**Project/Applicant's Name**  
**Name** County, Pennsylvania

The USDA, Rural Development has received an application for financial assistance from *Name of Applicant, Name* County, Pennsylvania. The proposal involves *[itemize the project's construction activities, basic components, locations. Insert information regarding any conversion of Important Farmland, Wetland, Floodplain or adverse effect to historic properties].*

As required by the National Environmental Policy Act, and agency regulations, the USDA, Rural Development has assessed the potential environmental effects of the proposal. The availability of the environmental assessment was published on *[insert date]* for a 30-day public comment period. *[Insert a brief summary of the numbers of and content of the comments including brief responses to the pertinent comments.]* Upon consideration of the applicant's proposal, comments from federal and state environmental regulatory and natural resource agencies, *[insert all effect determinations to historic properties]* and public input, the agency has determined that the proposal will not have a significant effect on the human environment and for which an Environment Impact Statement will not be prepared. The basis of this determination is *[briefly summarize reasons for the location and no practicable alternative, state conformance with applicable PA or local protection standards].*

*[If applicable add]* In order to avoid or minimize any adverse environmental impacts, the USDA Rural Development will require the applicant to incorporate the following mitigation measures into the proposal *[briefly summarize all proposed mitigation measures and locations].*

Copies of the Environmental Assessment can be reviewed or obtained at:  
*[Insert the Rural Development and applicant office locations and telephone numbers].*

For further information, please contact:  
*[Insert Rural Development (processing office) official's name and telephone number].*

*[If additional public review period is required, insert (Any person interested in commenting on the proposal should submit comments to the address below by (have newspaper insert a date that is 15 days from the first (third for 1940 G) publication date)]*

*[If applicable, insert statement indicating other participating agencies.]*

A general location map of the proposed project is available at the *[insert address].*

**ATTACHMENT D**

**(Private Party Notification)**

*Insert Applicant's Name and Address*

RE: *[Project Name]*

Dear *Applicant,*

Based on an environmental review performed, the proposed project submitted for financial assistance to USDA, Rural Development contains facilities located in a floodplain. In accordance with Executive Order 11988 - Floodplain Management, Section 4, this letter serves to notify you of the hazards of locating a facility in a floodplain. These hazards include but are not limited to *(include information applicable to the project such as damage to or loss of real property, personal property or other assets).*

Applicants must obtain flood insurance for all insurable structures located in special flood hazard areas designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps.

If you have any questions, please contact us at *telephone number.*

Sincerely,

---

*Name of Rural Development Official*  
*Title*

**ATTACHMENT E**

**NAME OF APPLICANT/  
ATTN: ....., Chairman  
ADDRESS**

**Re: USDA, Rural development's *Preliminary Notice/ Notice of Availability/Combined/ Final/FONSI* of an Environmental Assessment for applicant's name, ..... County, PA**

Dear **Mr./Ms. Name:**

USDA, Rural Development has [*initiated/reviewed/completed*] the Environmental **Report/ Assessment** of the (*applicant's name*) proposal for (*type of project*). Before [*further consideration can be given to your proposal/an environmental review can be completed*], USDA regulations require that a (*insert applicable statement*)

- *Notice of the Availability of an Environmental Assessment*
- *Preliminary Notice of Potential Conversion of Important Farmland, Floodplain, Wetland, or an Adverse Effect to a Cultural Resource,*
- *Finding of No Significant Environmental Impact (FONSI)*
- *combined Final Notice and FONSI*

(copy attached) be published in a newspaper of local circulation in the area affected by the proposed project. The notice should be of reasonable size and prominence and not be placed in the classified or legal section or an obscure portion of the newspaper. The publication frequency shall be three (3) consecutive days for daily newspapers or two (2) consecutive weeks in weekly newspapers. An individual copy of the notice must also be sent to the agencies contacted during the environmental review, local, county and regional planning agencies, landowners or residents who live or own property adjacent to facilities or are directly affected by construction of the facilities and interested individuals or groups. It is the (*insert name of applicant*) responsibility to make the necessary arrangements to publish and distribute the enclosed notice.

You must provide the (*insert name of Rural Development Office preparing the assessment*) with a copy of the published notice as it appeared, the name(s) of the newspaper(s) in which the notice was published, the dates of publication, an affidavit of publication and a list of all parties receiving an individual copy of the notice soon after publication, but not later than the end of the comment period.

If you have any questions, please contact (*name of the preparer and title*) in the (*name of RD office*) at (*address and telephone number*).

**/s/  
Name of approving official/Program Director  
Title**

Attachment



**ATTACHMENT F**

**PARTIES NORMALLY RECEIVING INDIVIDUAL COPY OF PUBLIC NOTICES**

US Environmental Protection Agency, Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

State Historic Preservation Officer  
Bureau of Historic Preservation  
Commonwealth Keystone Building, Second Floor  
400 North Street  
Harrisburg, PA 17120-0093

Department of Environmental Protection  
The Policy Office  
15<sup>th</sup> Floor, Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Regional Planning Agency for Intergovernmental Review under Executive Order 12372

Local and County Governments

Other parties and agencies providing financing or review assistance

Other interested or affected parties including landowners adjacent to the project site - it is **NOT** necessary to send copies to all property owners along a sewer or water line.