

§ 26.7

- (i) Potential minor degradation of environmental quality;
- (ii) Potential cumulative impact on environmental quality;
- (iii) Presence of hazardous or toxic substances;
- (iv) Potential violation of pollution abatement laws;
- (v) Potential impact on protected wildlife or vegetation;
- (vi) Potential effects on designated prime farmlands, wetlands, floodplains, or ecologically critical areas;
- (vii) Alteration of stormwater runoff and retention;
- (viii) Potential dislocation of persons or residences;
- (ix) Potential increase of average daily vehicle traffic volume on access roads to the site by 10 percent or more but less than 20 percent, or which alters established traffic patterns in terms of location and direction;
- (x) Potential threat or hazard to the public, or highly uncertain risks to the environment;
- (xi) Potential conflicts with Federal, State, or local environmental protection laws or requirements;
- (xii) Potential conflict with, or significant impact on, official local or regional zoning or comprehensive land use plans; and,
- (xiii) Overloading of public utilities with insufficient capacity to provide reliable service and for average and peak periods.

(Authority: 42 U.S.C. 4321-4370a)

[51 FR 37182, Oct. 20, 1986, as amended at 54 FR 34987, Aug. 23, 1989]

§ 26.7 VA environmental decision making and documents.

(a) Relevant environmental documents shall accompany other decision documents as they proceed through the decision-making process.

(b) The major decision points for VA actions, by which time the necessary environmental documents must be completed, are as follows:

- (1) *Leases*. Prior to execution of lease agreement.
- (2) *Grants*. Prior to notification of grant award.
- (3) *Policy*. Prior to final approval of a policy which substantially alters agency programs and which affects the human environment.

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(4) *Legislative proposals*. Included in any recommendation or report to Congress on a legislative proposal which would affect the environment. The document must be available in time for Congressional hearings and deliberations.

(5) *Major, minor, minor miscellaneous delegated projects, and non-recurring maintenance projects*. Prior to contract award for working drawings or prior to in-house initiation of working drawings. If the Secretary of Veterans Affairs or designee makes a finding of compelling need, working drawings may commence prior to completion of the environmental compliance process. However, this will not preclude completion of environmental compliance prior to construction.

(6) *Land acquisition for development*. Prior to the Secretary's acceptance of custody and accountability (for Federal lands), or acceptance of offer to donate or contract for purchase (for private lands).

(c) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, VA must act in accordance with CEQ Regulations, 40 CFR 1506.11.

(Authority: 42 U.S.C. 4321-4370a)

[51 FR 37182, Oct. 20, 1986, as amended at 54 FR 34987, Aug. 23, 1989]

§ 26.8 Assistance to applicants.

(a) The CEQ Regulations (40 CFR 1501.2(d)) provide for advising of private applicants or other non-Federal groups when VA involvement in a particular action is reasonably foreseeable. Such foreseeable actions involve application to a VA element by private persons, States, and local agencies and pertain primarily to permits, leases, requests for financial assistance, grants, and related actions involving the use of VA real property.

(b) VA involvement may be reasonably foreseeable when the following actions are initiated by non-Federal groups:

- (1) Easements and rights-of-way on VA land;
- (2) Petroleum, grazing, and timber leases;