



Chapter 4: Environmental Review

DEHCR – Bureau of Community Development

What is an Environmental Review?

- An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state and local environmental standards.
- The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users.



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Why is environmental review part of the administrative process?

- It satisfies the requirements of the National Environmental Policy Act (NEPA);
- It improves the decision-making process; and
- It results in an improved environment for citizens.

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Important Reminders

- The Unit of General Local Government (UGLG) must prepare an ER file that includes all activities related geographically or functionally, regardless of the source of funding [24 CFR 58.32].
- The ER must meet all federal, state and local requirements.
- The UGLG may not commit any HUD assistance funds or non-HUD funds until an award is approved, and the ER has been approved [24 CFR 58.22]. Exceptions may be granted for “pre-agreement”, i.e. pre-award costs if approved by DEHCR.
- Funds may be committed after an award has been made without certification for activities that are classified as ‘exempt’ [24 CFR 58.34] or ‘categorically excluded’ not subject to the statutory checklist [24 CFR 58.35(b)].
- DEHCR cannot release funds until the environmental review process is complete and an award and Grant Agreement are in place.
- The ER must cover all phases of the project not just those portions/phases funded through CDBG or match funds.

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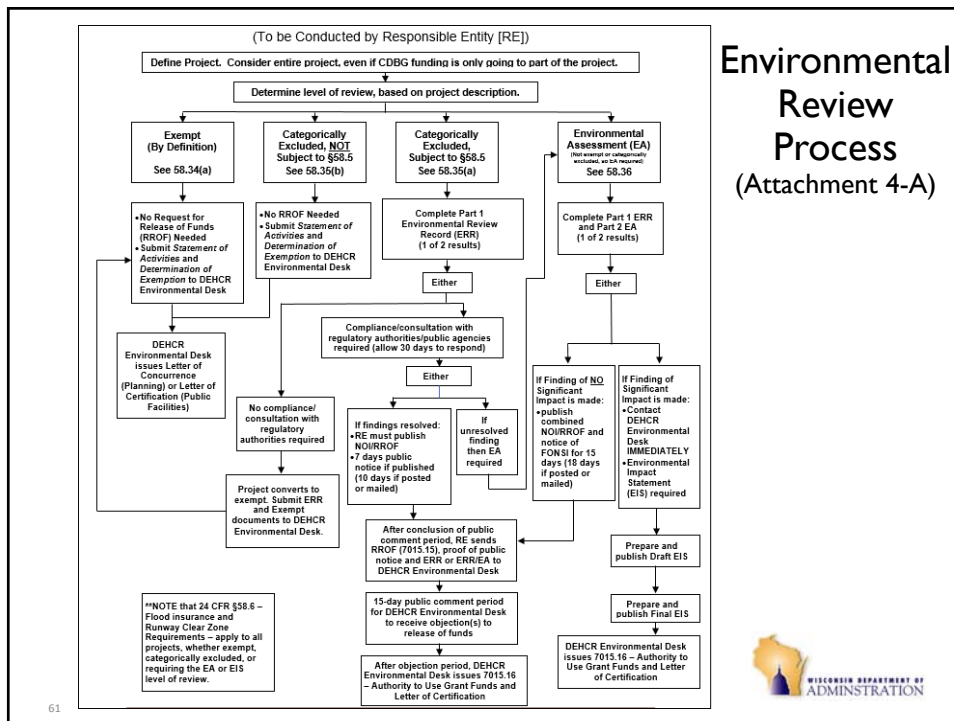


How to Complete an Environmental Review

- 4 Step Process
 - Project Classification
 - Project Review
 - Public Notice
 - Document Submittal
- Environmental Review Process Flowchart (Attachment 4-A)
- Environmental Report (Attachment 4-I)



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Environmental Report (Attachment 4-I)

ENVIRONMENTAL REPORT

Project Information

Project Name:

Name of UGLG:

Name of Sub-recipient (if different from UGLG):

Signature of Preparer: Date Signed:

Name of Preparer:

Title/Company of Preparer:

DEHCR Grant Agreement # (if assigned):

DEHCR Project Representative:

Project classified as:


- Exempt
- Categorically Excluded, NOT Subject to 58.5
- Categorically Excluded, Subject to 58.5 - Exempt
- Categorically Excluded, Subject to 58.5 - Notice of Intent/Request for Release of Funds required
- Environmental Assessment required

ENVIRONMENTAL REPORT

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DEHCR Environmental Desk
Division of Energy, Housing and Community Resources
Wisconsin Department of Administration – 5th Floor
P. O. Box 7970
Madison, WI 53707-7970



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STEP I: Project Classification

Exempt Activities [24 CFR 58.34 (a)(1) through (12)]

- Primarily administrative/design costs, planning only projects and public services that have no physical impacts.
- Includes certain disaster recovery projects, if the project does not alter environmental conditions and is limited to the repair or replacement of damage to control the effects from disasters.

Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35(b)]

- Includes most economic development activities (as long as the project does not include construction or expansion, even under the project aggregation rule [24 CFR 58.32]; and new operating costs for other activities of physical facilities.)
- Rarely has physical impact on environment



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STEP 1: Project Classification (cont.)

Categorically Excluded Activities Subject to 58.5 (Statutory Checklist) [24 CFR 58.35(a)]

- Includes replacement or rehabilitation of facilities that do not significantly change land use or capacity by more than 20 percent, or that remove barriers to the handicapped.
- Many public facilities projects fall into this category.

Activities Requiring an Environmental Assessment (EA) [24 CFR 58.36]

- Establishes new or significantly enlarged facilities or services.
- Cannot be clearly defined as either exempt or categorically excluded.
- May also be required under “extraordinary circumstances” [24 CFR 58.2(a)(3)], when normally ‘exempt’ or ‘categorically excluded’ activities are unique or without precedent, or when they have the potential for having a significant impact on the site.
- An EA must cover the entire project, including related activities not funded by CDBG funds [24 CFR 58.32].

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STEP 2: Project Review

Exempt Activities [24 CFR 58.34 (a)(1) through (12)]

- No in-depth review is required
- Must complete *Statement of Activities* (Attachment 4-B)

Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35(b)]

- No in-depth review is required except in extraordinary circumstances as defined in 24 CFR 58.2(a)(3)
- Must complete *Statement of Activities* (Attachment 4-B)
- If a project meets the definition of “extraordinary circumstances” then contact the DEHCR Environmental Desk immediately



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GRANTEE/U/LG NAME: Village of Pontiac
 DEHCR GRANT AGREEMENT #: 17-99

STATEMENT OF ACTIVITIES

List all activities funded by the grant and identify those that have been previously assessed, those that require an environmental assessment, those which are categorically excluded and those which are exempt. Check the box which applies to each activity.

Activity	Source of Funds: CDBG or non-CDBG	Previously assessed	Exempt or Categorically Excluded and NOT subject to the Statutory Checklist	Categorically Excluded and subject to 58.5 (the Statutory Checklist)	Requires Environmental Assessment	Cite relevant section of 24 CFR 58
Sewer/Water	CDBG			X		58.35(a)(1)
Streets/Sidewalks	CDBG			X		58.35(a)(1)
Engineering	Match		X			58.34(a)(8)
Grant Administration	Match		X			58.35(a)(3)

* WARNING: Federal, state, and local regulations may still apply.



STEP 2: Project Review (cont.)

Categorically Excluded Activities Subject to 58.5 [24 CFR 58.35(a)]

- Must complete *Part 1 Environmental Review Record (ERR)* [Attachment 4-I *Environmental Report*]
- Must complete *Statutory Checklist* (Attachment 4-C)
- Allow 30 days for responses to requests for comment
- If **no** negative comments or circumstances requiring further compliance then project may be declared *Exempt* and no further review required
- If comments **are** received requiring compliance or further action then the UGLG must attempt to resolve the issue(s) and document actions taken
- If issue(s) is **resolved** then *Notice of Intent to Request Release of Funds (NOI/RRF)* [Attachment 4-F] must be published
- If issue(s) is **unresolved**, contact DEHCR Environmental Desk as an Environmental Impact Statement (EIS) may be required



Statutory Checklist (Attachment 4-C)

GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

STATUTORY CHECKLIST

Comparison with federal, state and local laws and authorities: This project has been compared with applicable federal, state and local laws and authorities, with the following results. Any letters, emails or telephone logs documenting agency contact **must** be attached.

Project: _____

Environmental Issue	Property is in Compliance if:	Compliance Status	Agency Contacted via	Agency Response Received
Historic Properties: Rehab of existing buildings (Contact the DEHCR Environmental Desk)	Property is less than 50 years old, or if the activity is listed on "Activities Exempt from Further Review"	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Historic Properties: New construction (Contact the DEHCR Environmental Desk)	Property to be developed is less than 1/2 acre in size and approval has been obtained from the DEHCR Environmental Review Desk; OR property is > 1/2 acre in size, and an archeological survey has been completed by a professional archeologist	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Floodplain management	Property is not located in a 100-year floodplain	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Coastal Areas Protection and Management	Property not located on a river or stream flowing into, or is within 1/2 mile of Lake Michigan, Lake Superior, or located on shoreline of either lake	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No
Wild and Scenic Rivers	Property not located on either the St. Croix or Wolf Rivers, or national Wild and Scenic Rivers System Components—Wisconsin (Attachment 4-I)	<input type="checkbox"/> Compliant <input type="checkbox"/> Not applicable <input type="checkbox"/> Consultation/review required <input type="checkbox"/> Conditions and/or mitigation actions required	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone	<input type="checkbox"/> Yes <input type="checkbox"/> No



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STEP 2: Project Review (cont.)

Activities Requiring an Environmental Assessment (EA) [24 CFR 58.36]

- An in-depth review is required
- Must complete *Part 1 Environmental Review Record (ERR)* [Attachment 4-I *Environmental Report*]
- Must complete *Statutory Checklist* (Attachment 4-C)
- Allow 30 days for responses to requests for comment
- Must complete *Part 2 Environmental Assessment (EA)* [Attachment 4-I *Environmental Report*]
- EA evaluates qualitatively and quantitatively the results of the ERR to determine significance of the effects of the proposed project
- If *Finding of No Significant Impact (FONSI)* then UGLG must publish appropriate notices
- If *Finding of Significant Impact* then an EIS may be required. Contact DEHCR Environmental Desk immediately.



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Division of Energy, Housing and Community Resources (DEHCR)
Community Development Block Grant – Environmental Report

PART 2 – ENVIRONMENTAL ASSESSMENT
ENVIRONMENTAL ASSESSMENT CHECKLIST

Note to Reader: An Environmental Assessment (EA) is a concise public document that a Grantee must prepare in order to comply with the National Environmental Policy Act (NEPA) and the related federal state and local environmental laws and authorities. The EA must support decision making process and provide a clear rationale, justification, and documentation for ratings assigned.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9 (b):

Existing Conditions and Trends [24 CFR 58.40(a)]:

Environmental Assessment Factors [24CFR 58.40; Ref. CFR 1508 and 1508.27]. Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.


Impact Codes
Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – may require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans/Compatible Land Use and Zoning/Scale and Urban Design		
Soil Suitability/Slope/Erosion/Drainage/Stormwater Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		

Environmental Assessment Checklist

(Environmental Report)
(Attachment 4-1)



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Attachment 4-1: Environmental Report Page 19 Revised: August 31, 2017

Impact Certification

(Environmental Report) (Attachment 4-1)

IMPACT CERTIFICATION

A FINDING OF NO SIGNIFICANT IMPACT has been made for this project for the following reason (check below):

- Consultation with the applicable Laws and Authorities has determined that there will be no adverse impact, or only beneficial impact.
- An Environmental Assessment has been completed and any adverse impacts can be mitigated following correspondence with the appropriate laws, authorities, and agencies.

A FINDING OF SIGNIFICANT IMPACT has been made for this project, and a full Environmental Impact Statement has been completed.

Name and Title

Date Signed

Company/Firm

Signature

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STEP 3: Public Notice Requirements

Exempt Activities [24 CFR 58.34 (a)(1) through (12)]

- Not required to publish any public notices

Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35(b)]

- Not required to publish any public notices



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STEP 3: Public Notice Requirements (cont.)

Categorically Excluded Projects Subject to 58.5 [24 CFR 58.35(a)]

- If **no** negative comments received and **no** compliance issues then not required to publish any public notices
- If negative comments received and/or compliance issues noted **and** comments/issues resolved then:
 - Do not publish until all replies have been received or 30 day comment period has passed
 - Publish *Notice of Intent to Request Release of Funds* (NOI/RROF) [Attachment 4-F]
 - 7 day notice period (published)/10 day notice period (posted/mailed)
- After publication send copy of NOI/RROF to all agencies consulted
- After notice period send NOI/RROF and supporting documentation to DEHCR Environmental Desk
- 15 day comment period



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Division of Energy, Housing and Community Resources
Notice of Intent to Request Release of Funds

GRANTEE/UGLG NAME: Carthage, City of
DEHCR GRANT AGREEMENT #: 17-99

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
FOR CATEGORICALLY EXCLUDED ACTIVITIES

Date of publication or posting: October 9, 2018
City of Carthage 608-284-2781
(Name of UGLG) (Telephone)
425 Waterman Street Carthage, WI 50404
(Street, City, State, and Zip Code)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The above-named UGLG has prepared an Environmental Review Record (ERR) for the following project. This ERR is on file at the address above and is available for public examination and copying.

Water Tower Installation Project
(Project, title, or name—insert-multi-year, if applicable)
Install additional water tower to supply City with adequate water supply and pressure
(Purpose or nature of project)
City of Carthage, Jasper County, WI
(Location—City, County, State of Project)
\$ 1,430,920.08
(Estimated Cost of Project)

On or about October 17, 2018 (if published) October 20, 2018 (if posted), the UGLG will request the Division of Energy, Housing and Community Resources (DEHCR) to release Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), as amended, for this project.


The UGLG is certifying to DEHCR that it and its chief executive officer, in his or her official capacity as Mayor, consent to accept the jurisdiction of the federal courts if an action is brought to enforce environmental review responsibilities, decision-making, and action, and that these responsibilities have been satisfied. Upon certification, UGLG may use the CDBG funds, and DEHCR will accept an objection to the release of funds and certification only if (a) the certification was not executed by the chief executive officer or other officer of UGLG approved by DEHCR; or (b) the UGLG's ERR indicates omissions of a required decision, finding or step. Objections must be prepared and submitted in accordance with 24 CFR 58, and may be addressed to the Division of Energy, Housing and Community Resources, Attention: Environmental Desk, P.O. Box 7970, Madison, WI 53707. Objections for reasons other than those stated above will not be considered by DEHCR. No objections received after November 2, 2018 (if published) November 5, 2018 (if posted), will be considered by DEHCR.

Jack Montgomery
(Name of UGLG's Chief Elected Official)
425 Waterman Street Carthage, WI 50404
(Street, City, State and Zip Code of UGLG's Chief Elected Official)

Attachment 4-F: Notice of Intent to Request Release of Funds Revised August 31, 2017

Notice of Intent to Request Release of Funds

(Attachment 4-F)



STEP 3: Public Notice Requirements (cont.)

Activities Requiring an Environmental Assessment (EA) [24 CFR 58.36]

- If Finding of No Significant Impact then UGLG must publish a *Combined Notice of Findings/Notice of Intent to Request Release of Funds* (Attachment 4-G)
 - **Do not publish** until all replies have been received or 30 day comment period has passed
 - Publish *Combined Notice of Findings/Notice of Intent to Request Release of Funds*
 - 15 day notice period (published)/18 day notice period (posted/mailed)
- After publication send copy of NOI/RROF to all agencies consulted
- After notice period send NOI/RROF and supporting documentation to DEHCR Environmental Desk
- 15 day comment period



GRANTEE/UGLG NAME: <u>Canonsburg, Village of</u> DEHCR GRANT AGREEMENT #: <u>1739</u>	<h2>Combined Notice of Findings – NOI/RROF (Attachment 4-G)</h2>
FOR ACTIVITIES SUBJECT TO ENVIRONMENTAL ASSESSMENT COMBINED NOTICE OF FINDINGS OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS	
Date of publication or posting: <u>October 16, 2018</u>	
Village of Canonsburg <u>608-372-2852</u> <small>(Name of UGLG) <small>(Telephone)</small></small>	
<u>1550 Delivery Street Canonsburg, WI 55005</u> <small>(Street, city, State, and Zip Code)</small>	
TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS: The above-named UGLG has prepared an Environmental Assessment (EA) for the following project. The EA is on file at the address above and is available for public examination and copying.	
<u>Goethe and Brewer Streets Reconstruction Project</u> <small>(Project title, or name—insert-multi-year, if applicable)</small>	
<u>Replace water/sewer system and streets including bridge</u> <small>(Purpose or nature of project)</small>	
<u>Village of Canonsburg, Washington County, WI</u> <small>(Location—City, County, State of Project)</small>	
<u>\$ 4,051,016.08</u> <small>(Estimated Cost of Project)</small>	
The UGLG has determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the UGLG has decided not to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (PL 91-190).	
The reason for such decision is (provide a brief but adequate explanation): <u>None of the agencies consulted noted any negative impacts, the project is expected to have only beneficial impacts on the human environment.</u>	
All agencies, groups or individuals disagreeing with this decision are invited to submit written comments to the above address. Such written comments should be received on or before <u>October 31, 2018 (if published) November 3, 2018 (if posted)</u> . All such comments will be considered, and the UGLG will not request the release of federal funds or begin the project prior to such date.	
On or about <u>November 1, 2018 (if published) November 4, 2018 (if posted)</u> the UGLG will request the Division of Energy, Housing and Community Resources (DEHCR) to release Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) as amended for this project.	
The UGLG is certifying to the DEHCR that it and its chief executive officer, in his/her official capacity as <u>Village President</u> , consent to accept the jurisdiction of the federal courts if an action is brought to enforce environmental review responsibilities, decision-making, and action; and that these responsibilities have been satisfied. Upon certification, the UGLG may use the CDBG funds, and DEHCR will have satisfied its responsibilities under the National Environmental Policy Act of 1969. DEHCR will accept an objection to the release of funds and certification only if (a) the certification was not executed by the chief executive officer or other officer of the UGLG approved by DEHCR; or (b) the UGLG's EA indicates omissions of a required decision, finding, or step. Objections must be prepared and submitted in accordance with 24 CFR 58, and may be addressed to the Division of Energy, Housing and Community Resources, Attention: Environmental Desk, P. O. Box 7970, Madison, WI 53708-7970.	
Objections for reasons other than those stated above will not be considered by DEHCR. No objections received after <u>November 16, 2018 (if published) November 19, 2018 (if posted)</u> will be considered by DEHCR.	
<u>Marissa Wright, Village President</u> <small>(UGLG's Chief Elected Official: Name, Title)</small>	
<u>1550 Delivery Street Canonsburg, WI 55005</u> <small>(Street, city, State and Zip Code of UGLG's Chief Elected Official)</small>	



STEP 4: Document Submittal Requirements

All Environmental Reports must have:

- Cover page (Attachment 4-I)
- Project Description (Attachment 4 –I)
- *Determination of Categorical Exclusion or Exemption* (Attachment 4-I)
- *Statement of Activities* (Attachment 4-B)

All Environmental Reports must be complete and submitted to:

DEHCR Environmental Desk
 Division of Energy, Housing and Community Resources
 Wisconsin Department of Administration – 5th Floor
 P. O. Box 7970
 Madison, WI 53707-7970

DOAEnvironmentalDesk@Wisconsin.gov



PART 1 – ENVIRONMENTAL REVIEW RECORD (ERR)

PROJECT DESCRIPTION

1. Project Type:

Planning (CDBG-PLNG)
 Public Facilities (CDBG-PF)
 Public Facilities for Economic Development (CDBG-PFED)
 Economic Development (CDBG-ED)
 OTHER:

2. BRIEF DESCRIPTION OF THE PROJECT'S ACTIVITIES (Applicable to ALL projects):
 Funds for this proposed project will be used to:

3. BRIEF DESCRIPTION OF THE PROJECT SITE AND IMMEDIATE AREA (Applicable to ALL projects):


This project is:

Site specific (Provide address of the proposed project)
 Multiple Sites (Provide addresses of the proposed project)
 Communitywide
 Part of a larger initiative

Use the area below to provide a brief description.

Project Description

(Environmental Report)
(Attachment 4-I)



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Determination of Categorical Exclusion or Exemption

(Environmental Report) (Attachment 4-I)

DETERMINATION OF CATEGORICAL EXCLUSION OR EXEMPTION

1. Exempt Activities
 Projects consisting of Planning Activities only are automatically considered Exempt under §58.34(a).

Is this project considered Exempt under §58.34(a)? YES NO

If the project is for Planning Activities only, then submit: *Environmental Report cover page; Environmental Report Project Description; Statement of Activities; Environmental Report Determination of Categorical Exclusion or Exemption; and Determination of Exemption to the DEHCR Environmental Desk.* No further information is required unless notified by DEHCR Environmental Desk.

2. Categorically Excluded, NOT Subject to §58.5

Is this project considered Categorically Excluded as defined in §58.35(b)? YES NO

If the project is considered Categorically Excluded, Not Subject to §58.5 then submit: *Environmental Report cover page; Environmental Report Project Description; Statement of Activities; Environmental Report Determination of Categorical Exclusion or Exemption; and Determination of Exemption to the DEHCR Environmental Desk.* No further information is required unless notified by DEHCR Environmental Desk.

3. Categorically Excluded, and subject to §58.5

Based on the Statutory Checklist and Field Notes Checklist, is this project in compliance with applicable Laws and Authorities? YES NO

Based on the Statutory Checklist and Field Notes Checklist, does this project require further consultation with regulatory authorities? YES NO

If the project **IS** in compliance with all applicable Laws and Authorities and **does NOT require** further consultation with regulatory authorities/public agencies then the project converts to Exempt. Submit to the DEHCR Environmental Desk: *Environmental Report cover page, Part 1 Environmental Review Record, and Determination of Exemption.* No further information is required unless notified by DEHCR Environmental Desk.

If the project is **NOT** in compliance with all applicable Laws and Authorities and/or **DOES require** further consultation with regulatory authorities/public agencies then any outstanding issues must be resolved. **Once all outstanding issues are resolved** then submit to the DEHCR Environmental Desk: *Environmental Report cover page; Part 1 Environmental Review Record; copy of the Notice of Intent to Request Release of Funds (Attachment 4-F of Implementation Handbook) along with a signed and notarized affidavit of publication; and Request for Release of Funds and Certification (HUD-7015.15) (Attachment 4-H of Implementation Handbook).* No further information is required unless notified by DEHCR Environmental Desk.

If the project is **NOT** in compliance with all applicable Laws and Authorities and/or **DOES require** further consultation with regulatory authorities/public agencies and any outstanding issues cannot be resolved then an Environmental Assessment must be completed.


4. Activities Requiring an Environmental Assessment
 If the project is not Exempt, Converted to Exempt nor Categorically Excluded then an Environmental Assessment is required.

Is an Environmental Assessment required? YES NO

Was there a Finding of Significant Impact? YES NO

If there is a Finding of No Significant Impact then submit to the DEHCR Environmental Desk: *Environmental Report cover page; Part 1 Environmental Review Record; Part 2 Environmental Assessment; Copy of the Combined Notice of Findings and Notice of Intent to Request Release of Funds (Attachment 4-G of Implementation Handbook) along with a signed and notarized affidavit of publication; and Request for Release of Funds and Certification (HUD-7015.15) (Attachment 4-H of Implementation Handbook).* No further information is required unless notified by DEHCR Environmental Desk.

If there is a Finding of Significant Impact then an Environmental Impact Statement is required. Please contact the DEHCR Environmental Desk for further information.



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STEP 4: Document Submittal Requirements (cont.)

Exempt Activities

[24 CFR 58.34 (a)(1) through (12)]

- Additional documents/forms:
Determination of Exemption (Attachment 4-E)

Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35(b)]

- Additional documents/forms:
Determination of Exemption (Attachment 4-E)



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GRANTEE/UGLG NAME: _____
DEHCR GRANT AGREEMENT #: _____

DETERMINATION OF EXEMPTION

- Project Name: _____
- Complete Project Description (describe all activities from all funding sources):
- Check one of the following:
 - This project has been determined to be **EXEMPT** in accordance with 58.34(a) _____
 - OR
 - This project has been determined to be **CATEGORICALLY EXCLUDED** and **NOT** subject to 58.5 under 58.35(b)(4).
 - OR
 - This project was initially determined to be **CATEGORICALLY EXCLUDED AND SUBJECT TO** Sec. 58.5 under 24 CFR 58.35 _____ . After coordination with other laws and authorities, it has been determined that this project does not have an impact. Therefore, a determination has been made that this project is **exempt** from further environmental review in accordance with 24 CFR 58.34 (a)(12).
- Date Signed: _____
- Signature of the Chief Elected Official: _____

(Chief Elected Official's name and title)

(Name of UGLG – county, city, village, or town)

(Address)

(City, State, Zip Code)

Determination of Exemption (Attachment 4-E)

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STEP 4: Document Submittal Requirements (cont.)

Activities Requiring an Environmental Assessment (EA)

[24 CFR 58.36]

- Additional documents/forms:
 - *Part 1 Environmental Review Record (Attachment 4-I)*
 - *Statutory Checklist (Attachment 4-C)*
 - *Part 2 Environmental Assessment (Attachment 4-I)*
 - *Combined Notice of Findings and Notice of Intent to Request Release of Funds (Attachment 4-G) with signed/notarized affidavit of publication*
 - *Request for Release of Funds and Certification (Attachment 4-H)*



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Environmental Report Approval

Upon receipt and approval of a complete Environmental Report, DEHCR Environmental Desk will send:

- **Letter of Concurrence** – Planning projects
- **Letter of Certification** – All Public Facilities projects
- **Authority to Use Grant Funds (HUD 7015.16)** – Any Public Facilities project required to publish either a *Notice of Intent to Request Release of Funds (NOI/RROF)* or a *Combined Notice of Intent to Request Release of Funds – Notice of Finding of No Significant Impact (NOI/RROF-FONSI)*



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Planning Only Projects

For CDBG projects that involve only planning activities (i.e., CDBG-Planning awards), the following documents must be completed and submitted to the DEHCR Environmental Desk after the CDBG award has been made:

- *Environmental Report* cover page (Attachment 4-I);
- *Environmental Report* Project Description (Attachment 4-I);
- *Environmental Report* Determination of Categorical Exclusion or Exemption (Attachment 4-I);
- *Statement of Activities* (Attachment 4-B); and
- *Determination of Exemption* (Attachment 4-E).

Upon receipt and approval of these documents, the DEHCR Environmental Desk will issue a *Letter of Concurrence* to the UGLG. The UGLG should wait to proceed with Planning activities until the *Letter of Concurrence* has been issued by DEHCR.

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Important Areas for Review

Chapter 4: *Environmental Review* provides summary of the applicable laws and authorities. All environmental reports should pay close attention to:

- Historical and Archeological Review
- Floodplains/Wetlands
- Manmade Hazards



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Tip: Not every issue will apply to every project

- Coastal Zone Management rules don't apply to in-land counties;
- Endangered species rules don't normally apply to urban environments;
- Airport clear zone regulations apply to only a few properties where regular jet service is provided (Milwaukee, La Crosse, and a few others)



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Historical and Archeological Review

IMPORTANT NOTE

- Historical and Archeological Reviews are carried out under a Programmatic Agreement between the WI DOA and the WI Historical Society.
- Reviews can be quite lengthy.
- Therefore, it is important to review these requirements early on to make sure that these issues do not unnecessarily delay projects.



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Some important information about historic and archeological review

- An Archeological Survey is required on previously undisturbed parcels of land 0.5 acres in size or larger. Farming is not considered to be an activity that disturbs archeological sites.
- The re-use of older buildings is commended; however buildings that are listed on, or eligible for listing on, the National Register of Historic Places may be subject to extensive review by WHS architects.



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Floodplain Management

- New construction within the Special Flood Hazard Area (aka 100-year floodplain) is discouraged by HUD regulations and may require additional permitting, public notices and/or engineering studies. Consult with Environmental Desk before proceeding.
- Current HUD policy for projects located in Special Flood Hazard Areas requires that flood insurance must be maintained for the life of the loan or the life of the building.



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Manmade Hazards

- The reuse of industrial sites may present special hazards in terms of public health and safety, as well as legal liability.
- In such cases completing *Part 1 Environmental Review Record* of the *Environmental Report* may be useful in determining the suitability of a specific site for its intended use.
- The decision to complete *Part 1 Environmental Review Record* of the *Environmental Report* is the property developer's or owner's, not DOA's.



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In conclusion.....

- The environmental review process is a 4 step process
- Use the Environmental Review Process flowchart (Attachment 4-A)
- Document all actions/decisions and maintain all records
- No CDBG funds can be committed or requested prior to the UGLG obtaining a *Letter of Concurrence* or a *Letter of Certification and Authority to Use Grant Funds (HUD 7015.16)*



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