

ENVIRONMENTAL REVIEW

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CHAPTER 4: ENVIRONMENTAL REVIEW

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INTRODUCTION

All Community Development Block Grant (CDBG) projects must meet the requirements of federal, state and local environmental regulations. At the federal level, all CDBG projects must meet the requirements of the *National Environmental Policy Act of 1969* (NEPA). NEPA is intended to:

- improve decision-making by ensuring that all relevant information is considered; and
- make that information available to the public.

Federal regulations are found in the *Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities* [24 CFR 58]. These sections require UGLGs (i.e., the local governments receiving CDBG funds) to assume the responsibility for environmental reviews.

The complete set of federal regulations can be found by going to <https://www.ecfr.gov/cgi-bin/ECFR?page=browse> and first choosing *Title 24* from the drop-down list, then 0-99 under Subtitle A and finally Part 58. State and local regulations can be found by contacting the appropriate state and local entities.

The type of project will dictate the amount of time required to complete and submit the *Environmental Report (ER)*. At the completion of the environmental review process, the Department of Energy, Housing and Community Resources (DEHCR) will issue an environmental clearance letter and an *Authority to Use Grant Funds (7015.16)*, if applicable.

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 (no new

construction, excavation, demolition, rehabilitation, repair, modification, or property acquisition or commitment to undertake such activities) [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)]. In all cases, follow the procedures below.
- DEHCR cannot release funds until the environmental review process is complete and an award and Grant Agreement are in place.

NOTE

If a proposed project is located within the 1% (100 year) floodplain then additional public notice requirements may apply.

If a proposed project is considered a critical facility/action by HUD (i. e. hospitals, fire stations, police stations) and is located within the 0.2% (500 year) floodplain then additional construction and public notice requirements may apply.

Contact the DEHCR Environmental Desk for assistance.
[24 CFR 55 Floodplain management and protection of wetlands]

PROCESS

The *Environmental Review Process* flow chart (Attachment 4-A) and *24 CFR 58 Subpart D Environmental Review Process* (Attachment 4-M) are guides to the review process. Be sure to classify all activities properly, as this determines the procedure and the time required to complete the environmental review process. The most restrictive classification determined via the Statement of Activities (Attachment 4-B) will become the overall classification for the project.

An environmental review of a project includes four steps: project classification; project review; public notice; and document submittal. The four steps must be followed for an environmental review to be considered complete.

PROJECT CLASSIFICATION

Activities can be classified in one of four ways:

1. **Exempt Activities [24 CFR 58.34 (a)(1) through (12)]**
Exempt activities are primarily **administrative and design costs, planning only projects** and public services that have no physical impacts. They also include 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.
2. **Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35 (b)]**
These projects include most **economic development activities** (as long as the project does not include acquisition of land, construction or

expansion of physical facilities, even under the project aggregation rule [24 CFR 58.32]); and operating costs for other activities.

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

These activities include **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 such as the replacement of water or sewer lines, reconstruction of curbs and sidewalks or repaving of streets fall into this category.

4. **Activities Requiring an Environmental Assessment [24 CFR 58.36]**

These activities are those that establish new or significantly enlarged facilities or services including new construction or demolition. Activities are subject to environmental assessments if they cannot be clearly defined as either exempt or categorically excluded. Assessments 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 environmental assessment must cover the entire project, including related activities not funded by CDBG funds [24 CFR 58.32].

PROJECT REVIEW

Once a project has been correctly classified, it must be reviewed to determine what if any, impact it will have on the environment.

1. **Exempt Activities [24 CFR 58.34 (a)(1) through (12)]** are primarily administrative/design costs, planning only projects and public services that have no physical impacts on the environment. Therefore, no in-depth review is required.
2. **Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35 (b)]** include most economic development activities without any construction or expansion of physical facilities; and new operating costs for other activities. These rarely have any physical impact on the environment. Therefore, no in-depth review is required except in extraordinary circumstances as defined in 24 CFR 58.2(a)(3). If a project meets the definition of “extraordinary circumstances” then contact the DEHCR Environmental Desk immediately.
3. **Categorically Excluded Activities Subject to 58.5 [24 CFR 58.35 (a)]** include 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.

Projects classified as categorically excluded and subject to 58.5 must do an in-depth review by completing *Part 1 Environmental Review Record (ERR)* of the *Environmental Report* (Attachment 4-I). The UGLG must coordinate the project with federal, state and local laws and authorities by completing the *Statutory Checklist* (Attachment 4-C). To determine who to contact, review the Handbook section titled *Summary of Federal Laws and Authorities*. Attachment 4-J: *Letter Seeking Review of Project* is a

sample cover letter to be used when requesting comment from authorities.

For each regulatory area that applies to the project, either **contact the appropriate agency** at the address listed in *Agencies' Contact Information* (Attachment 4-D) or **download the appropriate supporting documentation** from the agency website. If contacting an agency via postage paid mail letter, **allow a minimum of 30 days** for responses to be returned. Document all responses received via email, mail or telephone in the *ERR*. Mark the appropriate box on the *Statutory Checklist* that corresponds to each agency's response or documentation obtained. Based on the responses received and/or documentation obtained, the project will either be considered *Exempt* or require further review.

If no negative comments are received and if there are no circumstances requiring further compliance (such as asbestos removal or development in the floodplain), the *Categorical Exclusions* may be declared *Exempt* in accordance with 24 CFR 58.34(a)(12). No further review is required.

If any comments are received that indicate that a potential impact may occur, or that further action is either recommended or required (such as a historic review, floodplain or endangered species), the UGLG **must** attempt to resolve the issue and comply with the law's requirements and document the attempt in the *ERR*. In the unlikely event that the issue is not resolved, contact the Environmental Desk to discuss the issue. If the issue cannot be resolved at that level, the UGLG may be required to prepare an *Environmental Assessment* (EA) or an *Environmental Impact Statement* (EIS).

If the issue is resolved and no further action to comply with laws or authorities is required, then the UGLG must publish the *Notice to Request Release of Funds* (Attachment 4-F).

4. **Activities Requiring an Environmental Assessment [24 CFR 58.36]**

These activities are those that establish new or significantly enlarged facilities or services including new construction and demolition, and cannot be clearly defined as either exempt or categorically excluded. An in-depth review is required. The UGLG must coordinate the project with federal, state and local laws and authorities in the same way they are in Categorical Excluded activities by completing *Part 1 Environmental Review Record (ERR)* of the *Environmental Report*. The results from the *ERR* must then be evaluated qualitatively and quantitatively to determine the significance of the effects of the proposal on the project area by completing *Part 2 Environmental Assessment* of the *Environmental Report* (Attachment 4-I).

Based on the results of the impact evaluation, the UGLG will find either *A Finding of No Significant Impact* [24 CFR 58.40(g)(1)] or *A Finding of Significant Impact* [24 CFR 58.40(g)(2)].

If the result is *A Finding of No Significant Impact* then the UGLG must proceed with the publication of the appropriate notices.

If the result is *A Finding of Significant Impact* then an Environmental Impact Statement (EIS) may be required. Contact the DEHCR Environmental Desk immediately.

PUBLIC NOTICE REQUIREMENTS

The results of project classification and the project review for environmental impacts will determine what if any notices must be published.

1. **Exempt Activities [24 CFR 58.34 (a)(1) through (12)]** are not required to publish any notices.
2. **Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35 (b)]** are not required to publish any notices.
3. **Categorically Excluded Activities Subject to 58.5 [24 CFR 58.35 (a)]** are not required to publish any notices if **no** negative comments were received and there are **no** circumstances requiring further compliance.

However, if any comments were received that indicated a potential impact might occur, or that further action was either recommended or required and the UGLG resolved the concerns then the *Notice of Intent to Request Release of Funds* [NOI/RROF] (Attachment 4-F) must be published. A minimum public notice period of seven (7) days is required if the NOI/RROF is published. A minimum public notice period of ten (10) days is required if the NOI/RROF is posted or mailed. Do not publish notices until all replies have been received, or until the comment period has passed, whichever comes first.

After publication, send copies of the NOI/RROF to all agencies consulted. The *Memorandum for Mailing of Combined Notice* (Attachment 4-K) is a sample cover memo.

4. **Activities Requiring an Environmental Assessment [24 CFR 58.36]** with A Finding of No Significant Impact must publish a *Combined Notice of Findings and Notice of Intent to Request Release of Funds* (Attachment 4-G). A combined notice includes the *Notice of Finding of No Significant Impact* and *Notice of Intent to Request Release of Funds*. The notice contains instructions for calculating the mandatory review period. If there are public comments, the UGLG must respond to them and place both comments and responses in the environmental assessment. Please note that the public notice process requires 32 days.

Immediately after publication of the *Combined Notice*, send copies to the agencies that were consulted. See *Letter Seeking Review of Project* (Attachment 4-K) for a sample cover letter. The *Combined Notice* has a 15-day local review period.

DOCUMENT SUBMITTAL REQUIREMENTS

The final step in the review process is the submittal of the required forms and documentation to the DEHCR Environmental Desk. Electronic submission is the preferred way to send documents. They may be emailed to:

DOAEnvironmentalDesk@wisconsin.gov.

The documents submitted will be reviewed. If no further documentation is required then either a *Letter of Concurrence* or a *Letter of Certification* and an

Authority to Use Grant Funds (HUD-7015.16) will be issued and the environmental review process is complete.

1. **Exempt Activities [24 CFR 58.34 (a)(1) through (12)]** are required to submit the following documents to the DEHCR Environmental Desk:
 - *Environmental Report* cover page (Attachment 4-I);
 - *Environmental Report* Project Description;
 - *Statement of Activities* (Attachment 4-B);
 - *Environmental Report* Project Classification;
 - *Environmental Report* Summary; and
 - *Determination of Exemption* (Attachment 4-E).
2. **Categorically Excluded Projects Not Subject to 58.5 [24 CFR 58.35 (b)]** are required to submit the following documents to the DEHCR Environmental Desk:
 - *Environmental Report* cover page (Attachment 4-I);
 - *Environmental Report* Project Description;
 - *Statement of Activities* (Attachment 4-B);
 - *Environmental Report* Project Classification;
 - *Environmental Report* Summary; and
 - *Determination of Exemption* (Attachment 4-E).
3. **Categorically Excluded Projects Subject to 58.5 [24 CFR 58.35 (a)]** are required to submit the following documents to the DEHCR Environmental Desk:
 - *Environmental Report* cover page (Attachment 4-I);
 - *Part 1 Environmental Review Record* of the *Environmental Report* including the *Statement of Activities* (Attachment 4-B) and the *Statutory Checklist* (Attachment 4-C);
 - *Determination of Exemption* (Attachment 4-E) if no negative comments were received and there are no circumstances requiring further compliance;
 - Copy of the *Notice of Intent to Request Release of Funds* (Attachment 4-F) along with a signed and notarized affidavit of publication if comments are received that indicate that a potential impact may occur, or that further action is either recommended or required; and
 - *Request for Release of Funds and Certification (HUD-7015.15)* (Attachment 4-H) if comments are received that indicate that a potential impact may occur, or that further action is either recommended or required.
4. **Activities Requiring an Environmental Assessment [24 CFR 58.36]** are required to submit the following documents to the DEHCR Environmental Desk:

- *Environmental Report* cover page (Attachment 4-I);
- *Part 1 Environmental Review Record* of the *Environmental Report* including the *Statement of Activities* (Attachment 4-B) and the *Statutory Checklist* (Attachment 4-C);
- *Part 2 Environmental Assessment* of the *Environmental Report*;
- Copy of the *Combined Notice of Findings and Notice of Intent to Request Release of Funds* (Attachment 4-G) along with a signed and notarized affidavit of publication; and
- *Request for Release of Funds and Certification (HUD-7015.15)* (Attachment 4-H).

Refer to the *ER/EA Notices Calendar Example* (Attachment 4-N) to view an example of the process and timeline for notices related the Environmental Review and Environmental Assessment processes.

SUMMARY OF REQUIREMENTS FOR 'PLANNING ONLY' & PUBLIC SERVICES PROJECTS

For CDBG projects that involve only planning or public services activities (i.e., CDBG-Planning (PLNG) projects, CDBG CLOSE-Public Services (CL-PS) projects), 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;
- *Statement of Activities* (Attachment 4-B);
- *Environmental Report* Project Classification;
- *Environmental Report* Summary; 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 or Public Services activities until the *Letter of Concurrence* has been issued by DEHCR.

REMINDERS:

- HUD rules use the term, “responsible entity.” For DEHCR’s purposes, the “responsible entity” is the recipient of HUD grant funds.
- The rule allows either the publication or posting of public notices per 24 CFR 58.45. If a public notice is published, the local comment period is 15 days. If it is posted or mailed, the local public comment period is 18 days.

- An UGLG may use an environmental review conducted for other funding programs insofar as it provides the same information and allows the same time for public comment, per 24 CFR 58. If it meets the CDBG requirements in its entirety, it may be used in lieu of the CDBG-mandated ERR. If the other review satisfies only a portion of the requirements, the UGLG must obtain additional information and/or publish supplementary notices before sending the materials to DEHCR.
- When publishing, be sure that the notice appears in the newspaper that is regularly used by the municipality for public notices.

SUMMARY OF LAWS AND AUTHORITIES

The *Statutory Checklist* (Attachment 4-C) in conjunction with the *Field Notes Checklist* section of the Environmental Report should be used to coordinate the proposed project with the applicable federal, state and local laws and authorities. The *Statutory Checklist* and the *Field Notes Checklist* list the various environmental issues that must be considered as part of an Environmental Report (ER). It provides an effective method of determining what issues apply to the proposed project as well as tracking all required program contacts and responses.

UGLGs should read the following program requirements to determine which apply to the project. For each that applies, either **write to the federal, state or local agency indicated** for its opinion on the impact of the proposed project or download the appropriate supporting documentation from the agency website.

If contacting an agency via postage paid mail letter, **allow a minimum of 30 days** for responses to be returned. Document all responses received via email, mail or telephone in the *ERR*. Mark the appropriate box on the *Statutory Checklist* that corresponds to each agency's response or documentation obtained. See *Gathering Information, Disseminating Notices* (Attachment 4-D) for agency contact information.

The Department of Natural Resources (DNR) does not want to be contacted on all projects. Only contact the DNR if the project affects one of the areas in which it has regulatory responsibility such as redevelopment of brownfields; floodplains; air quality and navigable waters.

Letters to federal or state agencies should contain the following information (See *Letter Seeking Review of Project* (Attachment 4-J) for a sample of such a letter):

- The name of the UGLG;
- The name of the project;
- A description of the project. Be sure that the description is complete, and includes a statement that describes new construction and rehabilitation separately;
- A map of the project's location. Maps should be legible and include community boundaries, a scale, a north arrow, and for utility projects, existing and proposed utilities' rights-of-way;
- The amount and source of funds;

- Name and address of a contact person; and
- A statement that, if a response is not received within 30 days, the UGLG will assume that the agency has no comment.

HISTORIC PROPERTIES

To avoid harm to both known historic properties and archeological sites, and to undiscovered sites present in a project area, each UGLG must:

- Identify historic properties and archeological sites within or near the proposed project area; and
- Assess the effects of the proposed action on these historic properties and sites.

The Wisconsin Historical Society (WHS) serves as the federal government's State Historic Preservation Officer, or SHPO. The WHS has delegated the responsibility for determining whether a CDBG-funded property contains sites that are eligible for inclusion in the National Register of Historic Places to the DEHCR Environmental Desk (both historic buildings and archeological sites). It is the UGLG's responsibility to assist DEHCR in collecting information that forms the basis for this determination. An UGLG unfamiliar with historic or archeological requirements is encouraged to contact the DEHCR Environmental Desk soon after receiving a grant award to be sure that it clearly understands its responsibilities.

Buildings

If an UGLG proposes to rehabilitate an existing building **50 years of age or older**, it must contact the DEHCR Environmental Desk to determine whether the building is listed on the WHS's Architecture and History Inventory (AHI). If the building is listed, then the UGLG must consult with DEHCR to mitigate adverse effects on the building's historic features.

Undeveloped Sites

For projects involving new construction on sites larger than **one-half acre**, the WHS requires that UGLGs:

- Determine whether known archeological sites are present in the project area, by consulting with the WHS's Archeological Site Inventory database;
- Conduct an archeological survey to determine whether undiscovered archeological sites are present; and
- Submit a written report prepared by a qualified professional archeologist. An electronic copy of the report should be submitted to the DEHCR Environmental Desk, who will also forward a copy to the WHS.

If the property is found to contain prehistoric or historic sites, then the UGLG must enter into consultations with DEHCR and WHS to mitigate the project's effects on such sites. In a very limited number of cases, an archeological excavation could be required. If no resolution is found at the state level, further consultation with the Advisory Council on Historic Preservation, Washington D.C., may be required.

Note: UGLGs that do *not* have electronic access to the Wisconsin Historic Society's AHI (Architecture and History Inventory) and ASI (Archeological Site Inventory) databases should contact the DEHCR Environmental Desk to request a review of the database on the UGLG's behalf. UGLGs or consultants who have remote access to the AHI and ASI databases may review it and determine whether *known* historical or archeological resources are present in the proposed project area, although this does not waive the survey requirements. Include the results of the database search and a map in the completed Environmental Report.

FLOODPLAIN MANAGEMENT

Floodplain development is regulated through local units of government (i.e., villages, cities, or counties), with oversight by the DNR and the Federal Emergency Management Agency (FEMA). Floodplain development in towns is regulated by the county. Local floodplain ordinances must meet the minimum requirements of FEMA's National Flood Insurance Program (NFIP) as found in 44 CFR 59-72 and the higher standards of Wisconsin's Floodplain Management Program as found in Chapter NR 116, Wisconsin Administrative Code. The definition of development under the NFIP and Ch. NR 116, Wisc. Admin. Code is:

Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

An UGLG is responsible for:

- Consulting the FEMA Flood Insurance Rate Map (FIRM) or contacting the floodplain administrator for the local unit of government to determine if the project is located in a 100-year floodplain [Special Flood Hazard Area (SFHA)]. The finding must be documented in the ERR.
- Ensuring any activity meeting the above definition of development meets the requirements laid out in the local floodplain ordinance and is permitted by the UGLG or the appropriate permitting authority. Projects involving the rehabilitation/modification of an existing structure in the SFHA must take the substantial improvement requirements of the NFIP, Ch. 116, Wis. Adm. Code and the local floodplain ordinance into consideration. In general, if the total cost (including labor and materials) of any modification or rehabilitation of an existing building in the SFHA equals or exceeds 50 percent of the building's equalized assessed value then the building must meet the higher floodplain standards required of new construction. The determination of substantial improvement must be made by the local floodplain administrator.
- Construction funded through programs such as the CDBG program must also meet the requirements of Executive Order 11988. These

requirements are laid out in the *8-Step Decision-Making Process for Executive Order 11988* which can be found at:

<https://www.hudexchange.info/resources/documents/Floodplain-Management-8-Step-Decision-Making-Process-Flow-Chart.pdf>.

In all cases, if a project is located within the SFHA on a FIRM, contact both the local floodplain administrator and the DEHCR Environmental Desk. The contact must be documented. Floodplain maps are available on-line at:

<https://www.msc.fema.gov>. Additional documentation may be found on the DNR Surface Water Data Viewer (<https://dnr.wi.gov/topic/surfacewater/swdv/>) or on many county GIS websites.

WETLAND PROTECTION

Wetland regulations include federal, state and local laws, and these can affect development in and adjacent to wetlands. In general projects are in compliance if they are not located in designated wetlands, or do not require filling or otherwise disturbing them.

UGLGs must determine whether projects proposing new construction or ground-disturbance will affect wetlands. For assistance, contact the local zoning administrator or the DNR regional office, the area regional planning commission which has jurisdiction in the county where the project will take place, or the U.S. Army Corps of Engineers. The U.S. Environmental Protection Agency (EPA) has responsibility for permitting in some circumstances. Documentation for wetlands compliance can be obtained from either the U. S. Fish and Wildlife Service National Wetlands Inventory at: <https://www.fws.gov/wetlands/data/mapper.html> or the Wisconsin DNR Surface Water Data Viewer at: <https://dnr.wi.gov/topic/surfacewater/swdv/>.

COASTAL ZONE MANAGEMENT

UGLGs located in one of the 15 counties adjacent to either Lake Superior or Lake Michigan must document compliance with the Wisconsin Coastal Management Program (WCMP). State regulation is focused on public and private uses that are “reasonably likely to affect any land or water use or natural resource of the coastal zone.” As a general rule, activities that are “exempt” or “categorically excluded” under this grant program will not be reviewed by the WCMP. Proposed sites that are located on the shorelines of either lake, or are located along rivers or streams that drain into these lakes are more likely to require extensive review by the WCMP.

An UGLG must document that the WCMP has approved such projects. The approvals may be obtained either directly from the WCMP or indirectly through the regional planning commission in whose jurisdiction the project falls. Contact information for the WCMP can be found at:

<https://doa.wi.gov/Pages/LocalGovtsGrants/CoastalManagement.aspx>.

WATER QUALITY

If the proposed project involves dredging or placing dredged or other fill materials in navigable waters (including wetlands) in Wisconsin, an UGLG must contact the U.S. Army Corps of Engineers and the Wisconsin DNR. The Clean Water Act (USC 1251-1376) regulates discharges to waters of the U.S., including the filling

of wetlands. Pre-approved 'general' or 'nationwide' permits may be available for minor activities. Mitigation measures may be required for unavoidable losses of such resources.

If a proposed project involves the disturbance of one (1) or more acres of land, an UGLG must contact the Wisconsin DNR to regarding storm water runoff and any required permitting.

ENDANGERED SPECIES

The Endangered Species Act of 1973, as amended, (16 USC 1531-1536) provides for the cooperation of agencies (including CDBG UGLGs) to ensure the conservation of endangered species and their habitats. Each UGLG must complete the Federal U.S. Fish and Wildlife Section 7 process as part of its environmental review for funded projects. The following website provides Section 7 consultation:

<http://www.fws.gov/midwest/Endangered/section7/s7process/index.html>.

The DNR Endangered Resources Review Program can screen proposed projects for potential impacts to state endangered and threatened species as well as federal. The DNR Natural Heritage Inventory (NHI) Public Portal (<https://dnr.wi.gov/topic/ERReview/PublicPortal.html>) can be used to complete a preliminary assessment of a project for impacts to endangered resources. Information on the DNR Endangered Resources Review Program can be found at: <https://dnr.wi.gov/topic/ERReview/index.html>.

WILD AND SCENIC RIVERS

If a proposed project site is located along the St. Croix or Wolf Rivers, or along components of the Wild and Scenic River system, an UGLG must contact the National Park Service (NPS). NPS will review the project for potential impacts on the Wild and Scenic River System, the National Rivers Inventory, the National Park System, and similar resources or properties. A list of Wisconsin's wild and scenic rivers components can be found in Attachment 4-L or at:

<https://www.rivers.gov/wisconsin.php?>.

AIR QUALITY

The WDNR is responsible for regulating air quality under Chapter 285, Wisconsin Statutes and through Chapters 400-499, Wisconsin Administrative Code. Certain CDBG projects may require an air pollution control permit. To determine if a permit is necessary, the WDNR encourages grantees to consult the Small Business Environmental Assistance Program Air Management Permit Primer webpage at:

<https://dnr.wisconsin.gov/topic/SmallBusiness/Primer/AirMgmt.html>.

Additional resources on air permits can be found on the WDNR website:

- WDNR Air Permit Page:
<https://dnr.wisconsin.gov/topic/AirPermits/Options.html>.
- Air Permit Exemption Page:
<https://dnr.wisconsin.gov/topic/SmallBusiness/Exemptions.html>.

To minimize emissions associated with exhaust from diesel trucks or other diesel-fueled equipment, subcontractors to this grant are encouraged to restrict the diesel engine idling time. Truck and off-road equipment idling restrictions could be applied to minimize the impact of diesel emissions occurring in

conjunction with construction and operation of the proposed development. Best management practices suggest limiting diesel engine idling to 5 minutes for all heavy duty diesel trucks and construction equipment operating on the facility property, except when temperatures fall below 20 degrees Fahrenheit.

If additional assistance is needed, the DNR Air Program contact is Megan Corrado at Megan.Corrado@wisconsin.gov or (608) 405-0327.

FARMLAND PROTECTION

The Farmland Protection Policy Act (FPPA) of 1981 and its implementing regulations, 7 CFR 658, regulate the conversion of farmland to nonagricultural uses. The first review step is to determine whether the land is already in urban use or has been designated as such by the local unit of government. Land is defined as “in urban use” if any one of the following three statements is true:

- Building density exceeds 30 structures per 40 acres;
- The land is zoned for residential, commercial, or industrial use; or
- A comprehensive land use plan has identified this property for future residential, commercial, or industrial use, and was adopted within 10 years prior to the proposed project.

If the land is in urban use (as defined) the FPPA does not apply.

If the land is not in urban use, determine if any part is prime or unique farmland of statewide or local importance, by contacting the Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service) office for the county in which the project is located. If the farmland is prime, unique, or of statewide or local importance, a *Farmland Conversion Impact Rating Form AD-1006* must be completed and returned to the NRCS. A fillable copy of the form can be found at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa>. The NRCS will return the form within 45 days, after which the UGLG must decide whether to continue, modify, or drop the project.

If the land is in current farm use, also see Chapter 32.035, Wisconsin Statutes (dealing with eminent domain) regarding the preparation of an agricultural impact statement and then contact the WI Department of Agriculture, Trade, and Consumer Protection. Further information can be found at:

<https://www.hudexchange.info/environmental-review/farmlands-protection>

MAN-MADE HAZARDS

UGLGs must determine whether leaking underground storage tanks, hazardous materials storage tanks, hazardous waste facilities, toxic chemicals, radioactive materials, or other potential public health and safety problems either directly or indirectly affect proposed project sites and activities. Hazards can include exposure to hazardous chemicals via the air, soil, and water, as well as risks to life and property through proximity to railroads and industrial activities. Airborne hazards include releases of chemicals from above-ground chemical storage facilities. Water-borne hazards include contamination of groundwater by leaking underground storage tanks into well fields.

Soil contamination by chemical spills is another means by which humans are exposed to man-made hazards and are listed at the DNR website. Sites located

within one-quarter mile of industries using or storing hazardous chemicals or within one-quarter mile of active rail lines, are generally not suitable for housing, but may be suitable for other CDBG funded projects.

The EPA maintains a database which enables users to find and map contaminated sites at: <https://www.epa.gov/cleanups/cleanups-my-community>. The DNR maintains a similar database at: <https://dnr.wi.gov/topic/Brownfields/WRRD.html>. The Wisconsin Department of Agriculture, Trade and Consumer Protection maintains a Storage Tank Database for aboveground and underground storage tanks at: https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx.

The WDNR has implemented an asbestos program to reduce the public's possible asbestos exposure. These regulations require facility owners and/or operators involved in demolition and renovation activities to inspect the affected facility before attempting to remove any asbestos, file proper notification, and handle and dispose of asbestos properly. If your project is affected by asbestos, please refer to the WNDNR Asbestos webpage for more information about the steps required at: <https://dnr.wisconsin.gov/topic/Demo/Asbestos.html>.

THERMAL HAZARDS

The proximity of petroleum or chemical storage tanks to a proposed project site may be a concern. Some older neighborhoods in communities contain industries which use or store flammable or explosive products. While fire safety codes generally assure safe operation and minimize these risks, at least for a short term, such sites may represent hazards to workers within CDBG-funded facilities. Depending on the nature of the project, UGLGs should make every effort to avoid sites that place people at risk. In general, sites within one-quarter mile of such industries, particularly when there are no intervening structures, may be at risk. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) maintains a searchable list of above-ground and underground storage tanks, which can be accessed at: https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx.

Consult with the DEHCR Environmental Desk for assistance in evaluating potential hazards.

NOISE

In general, UGLGs who receive CDBG-PF funds do not have to comply with noise regulations found in 24 CFR 51, Subpart B. However, CDBG PFED grants may cause noise levels to increase through the expansion of industrial facilities, for example. In these limited number of cases, UGLGs are required to consider the effects of their activities, especially if nearby residential neighborhoods are impacted. In such cases, UGLGs are encouraged to work with property owners to consider and include noise-abatement measures as part of the project. Consult with the DEHCR Environmental Review Desk for recommendations on specific noise abatement measures, and see the following HUD web site: <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>.

RUNWAY CLEAR ZONES

Airport authorities may restrict the development and use of sites lying within designated runway clear zones. HUD's concern – that a limited number of residential properties lie within clear zones – does not apply to CDBG-PF projects excluding water towers.

SOLID WASTE

The general concern is that sufficient capacity exists to handle solid waste generated by the CDBG-funded project, and that the renovation and demolition of buildings containing asbestos or lead-based paint be carried out in accordance with DNR regulations.

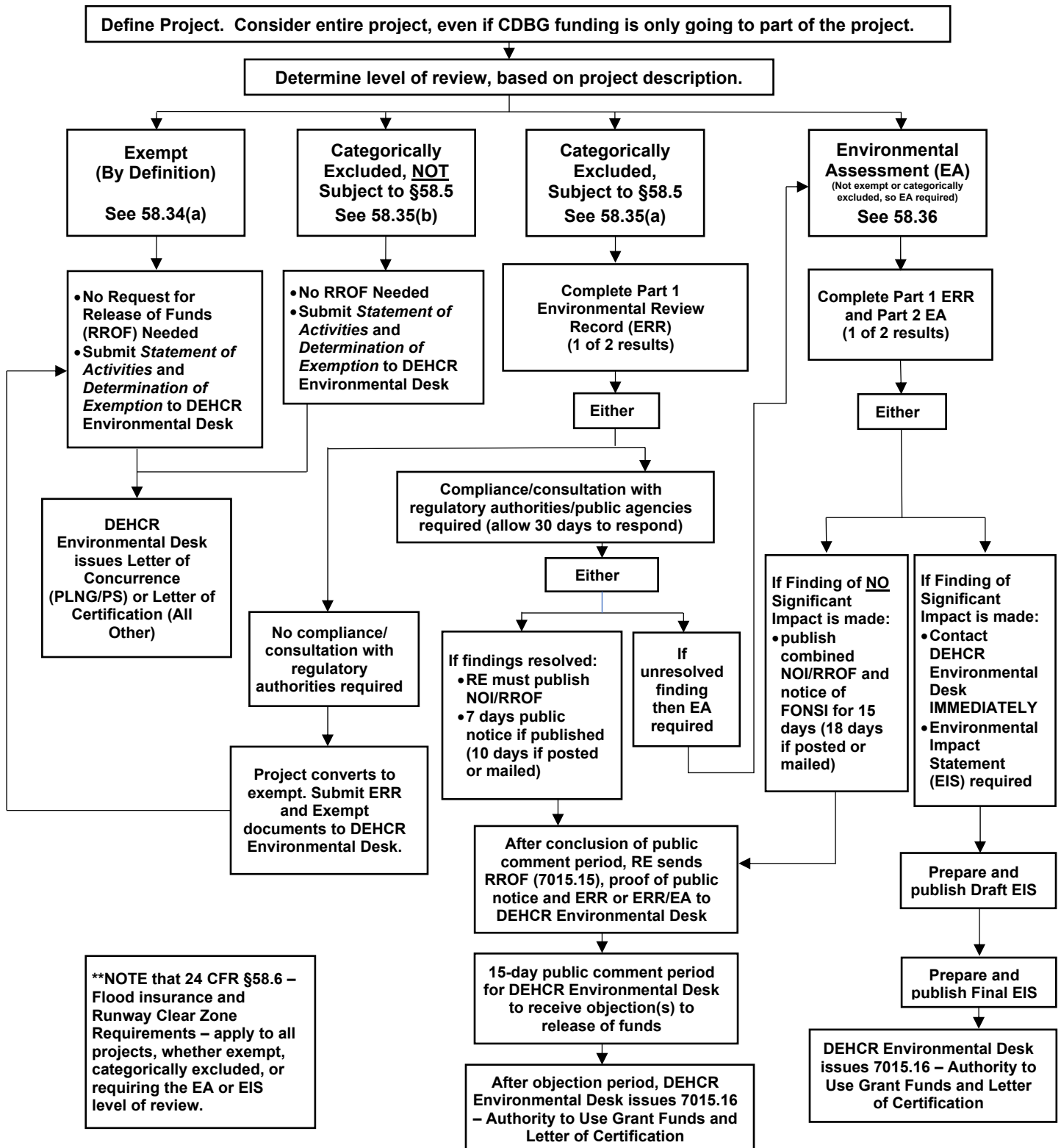
ATTACHMENTS

Attachments for this chapter are listed below.

ATTACHMENT 4-A:	ENVIRONMENTAL REVIEW PROCESS
ATTACHMENT 4-B:	STATEMENT OF ACTIVITIES (TEMPLATE)
ATTACHMENT 4-B1:	STATEMENT OF ACTIVITIES (SAMPLE)
ATTACHMENT 4-C:	STATUTORY CHECKLIST
ATTACHMENT 4-D:	AGENCY CONTACT INFORMATION
ATTACHMENT 4-E:	DETERMINATION OF EXEMPTION
ATTACHMENT 4-F:	NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (TEMPLATE)
ATTACHMENT 4-F1:	NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)
ATTACHMENT 4-G:	COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (TEMPLATE)
ATTACHMENT 4-G1:	COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)
ATTACHMENT 4-H:	REQUEST FOR RELEASE OF FUNDS and CERTIFICATION (FORM HUD-7015.15)
ATTACHMENT 4-I:	ENVIRONMENTAL REPORT (ER) (TEMPLATE)
ATTACHMENT 4-J:	LETTER SEEKING REVIEW OF PROJECT
ATTACHMENT 4-K:	MEMORANDUM FOR MAILING OF COMBINED NOTICE
ATTACHMENT 4-L:	NATIONAL WILD AND SCENIC RIVERS INFORMATION
ATTACHMENT 4-M:	24 CFR 58 SUBPART D ENVIRONMENTAL REVIEW PROCESS
ATTACHMENT 4-N:	ER/EA NOTICES CALENDAR EXAMPLE

ATTACHMENT 4-A: ENVIRONMENTAL REVIEW PROCESS

(To be Conducted by Responsible Entity [RE])



ATTACHMENT 4-B: STATEMENT OF ACTIVITIES (TEMPLATE)

Division of Energy, Housing and Community Resources

Statement of Activities

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

STATEMENT OF ACTIVITIES

List all activities funded by the grant and identify: those activities that have been previously assessed, those that require an environmental assessment, those which are categorically excluded, and those which are exempt. Check the appropriate box(es) which apply to each activity listed.

1	2	3	4	5	6	7
Activity	Source(s) 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
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>

TEMPLATE

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

ATTACHMENT 4-B1: STATEMENT OF ACTIVITIES (SAMPLE)

Division of Energy, Housing and Community Resources

Statement of Activities

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

STATEMENT OF ACTIVITIES

List all activities funded by the grant and identify: those activities that have been previously assessed, those that require an environmental assessment, those which are categorically excluded, and those which are exempt. Check the appropriate box(es) which apply to each activity listed.

1	2	3	4	5	6	7
Activity	Source(s) 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
Acquisition (Land) <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	Match Funds	No	No	Yes	No	24 CFR 58.35(a) [Categorically Excluded SUBJECT to...]
Well <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	CDBG + Match Funds	No	No	No	Yes	24 CFR 58.36 [Environmental Assessment REQUIRED]
Water System Improvements <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	CDBG + Match Funds	No	No	Yes	No	24 CFR 58.35(a) [Categorically Excluded SUBJECT to...]
Street/Sidewalk Improvements <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	CDBG + Match Funds	No	No	No	No	24 CFR 58.35(a) [Categorically Excluded SUBJECT to...]
Sanitary Sewer Improvements <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	CDBG + Match Funds	No	No	No	No	24 CFR 58.35(a) [Categorically Excluded SUBJECT to...]
Engineering/Design <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	Match Funds	No	Yes	No	No	24 CFR 58.34 [Exempt]
Grant Administration <i>If applicable, specify:</i> <u>[LABEL HERE]</u>	Match Funds	No	Yes	No	No	24 CFR 58.34 [Exempt]

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

SAMPLE

Statement of Activities

Revised: August 31, 2018

ATTACHMENT 4-C: STATUTORY CHECKLIST (TEMPLATE)

Division of Energy, Housing and Community Resources

Statutory Checklist

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

STATUTORY CHECKLIST

Project Name/Description/Location: _____

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, telephone logs or printouts documenting agency contact **must** be attached.)*

Environmental Issue	Compliance Status	Agency Contacted via	Agency Response Attached	Comments	
Historic Properties: Rehab of existing buildings <i>(Contact the DEHCR Environmental Desk)</i>	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>	<div style="font-size: 4em; opacity: 0.5; transform: rotate(-10deg);"> TEMPLATE </div>	
Historic Properties: New construction <i>(Contact the DEHCR Environmental Desk)</i>	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Floodplain Management	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Coastal Areas Protection and Management	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Wild and Scenic Rivers	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Airport Hazards	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Manmade Hazards	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Noise	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Wetlands Protection	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Water Quality (including Storm Water Runoff)	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>		
Water Quality: Sole Source Aquifers	<input checked="" type="checkbox"/> Not applicable to project. In compliance				No sole source aquifers in the state according to EPA records (https://www.epa.gov/dwssa)

Division of Energy, Housing and Community Resources

Statutory Checklist

Environmental Issue	Compliance Status	Agency Contacted via	Agency Response Attached	Comments
Solid Waste Disposal Availability; renovation and/or demolition of buildings containing asbestos or lead- based paint	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>	
Endangered Species	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>	
Farmland Protection	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>	
Air Quality	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>	
Hazardous Industrial Operations (Thermal and Explosive Hazards)	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website	<SELECT>	

Certification:

I certify that, to the best of my knowledge, this activity is in compliance with NEPA and the implementing regulations of the program funding this activity.

Signature of Preparer _____

Date Signed _____

Printed Name of Preparer _____

Job Title, Name of Employer/Company/Firm _____

TEMP LATE

ATTACHMENT 4-C1: STATUTORY CHECKLIST (SAMPLE)

Division of Energy, Housing and Community Resources

Statutory Checklist

SAMPLE

GRANTEE/UGLG NAME: Village of Pontiac
 DEHCR GRANT AGREEMENT #: 19-99

STATUTORY CHECKLIST

Project Name/Description/Location: Well #3 and Kline/Barker Street Improvements

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, telephone logs or printouts documenting agency contact **must** be attached.)*

Environmental Issue	Compliance Status	Agency Contacted via	Agency Response Attached	Comments
Historic Properties: Rehab of existing buildings <i>(Contact the DEHCR Environmental Desk)</i>	Compliant	Email <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input type="checkbox"/>	Yes	Project does not include any activities affecting buildings. Email from DOA Environmental Desk attached. See Attachment 3.
Historic Properties: New construction <i>(Contact the DEHCR Environmental Desk)</i>	Compliant	Email <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input type="checkbox"/>	Yes	Project will disturb less than 1/2 acre. Email from DOA Environmental Desk attached. See Attachment 3.
Floodplain Management	Compliant	Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input checked="" type="checkbox"/>	Yes	Project site is located in Zone X Area of Minimal Flood Hazard. See Attachment 4.
Coastal Areas Protection and Management	Compliant	Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Website <input type="checkbox"/>	Yes	Project site is not located in coastal county or a Coastal Barrier Resource Area. See Attachment 2
Wild and Scenic Rivers	Compliant	Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input checked="" type="checkbox"/>	Yes	Project site is not located on a Wild and Scenic River. See Attachment 7.
Airport Hazards	Compliant	Email <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Website <input checked="" type="checkbox"/>	Yes	Project site is located within 2,500 feet of North Cove Airport. See Attachment 9.
Manmade Hazards	Conditions and/or Mitigation Actions Required	Email <input checked="" type="checkbox"/> Letter <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Website <input checked="" type="checkbox"/>	Yes	Soil/groundwater contamination found. Soil/groundwater Contamination Management Plan attached. See Attachment 11.
Noise	Compliant	Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input type="checkbox"/>	No	Project is a public facilities project and will not be affected by noise.
Wetlands Protection	Compliant	Email <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Website <input checked="" type="checkbox"/>	Yes	Project site is not located in or near wetlands. See Attachment 5.
Water Quality (including Storm Water Runoff)	Compliant	Email <input checked="" type="checkbox"/> Letter <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Website <input checked="" type="checkbox"/>	Yes	Project will disturb more than 1 acre of land. See Attachment 5.
Water Quality: Sole Source Aquifers	<input checked="" type="checkbox"/> Not applicable to project. In compliance			No sole source aquifers in the state according to EPA records. https://www.epa.gov/dwssa

Statutory Checklist

Revised: August 31, 2019

Division of Energy, Housing and Community Resources

Statutory Checklist

Environmental Issue	Compliance Status	Agency Contacted via	Agency Response Attached	Comments
Solid Waste Disposal Availability; renovation and/or demolition of buildings containing asbestos or lead-based paint	Compliant	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Website	No	No demolition as a project activity.
Endangered Species	Conditions and/or Mitigation Actions Required	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Letter <input checked="" type="checkbox"/> Website	Yes	Mitigation plan for Northern Long-eared Bat. See Attachment 6.
Farmland Protection	Compliant	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> Website	Yes	Project is located on unfarmed suburban land. Soil not Prime Farmland. See Attachment 8.
Air Quality	Compliant	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> Website	Yes	Not in Nonattainment county. See Attachment 2.
Hazardous Industrial Operations (Thermal and Explosive Hazards)	Compliant	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> Website	Yes	No aboveground storage tanks found. See Attachment 10.

Certification:

I certify that, to the best of my knowledge, this activity is in compliance with NEPA and the implementing regulations of the program funding this activity.

Miriam G. Aingeal

10/12/2019

Signature of Preparer

Date Signed

Miriam G. Aingeal

Assoc. Planner, Himmlich Consulting Services, Inc

Printed Name of Preparer

Job Title, Name of Employer/Company/Firm

SAMPLE

ATTACHMENT 4-D: AGENCY CONTACT INFORMATION

GATHERING INFORMATION, DISSEMINATING NOTICES

Contact the following agencies when their programs apply to a project.

Historic Properties

WHS has delegated its responsibilities to DEHCR. All questions and documentation should be submitted to the DEHCR Environmental Desk.

****Do not contact WHS directly****

Floodplain Management [All projects]

- Local floodplain administrator
WDNR Floodplain Management
dnrfloodplain@wisconsin.gov
<https://dnr.wi.gov/topic/floodplains/>

Wetland Protection [All projects]

- To determine eligibility:
 - Local zoning administrator
 - WDNR Wetlands
<https://dnr.wi.gov/topic/wetlands/>
 - U. S. Army Corps of Engineers
St. Paul District
180 5th Street East, Suite 700
St. Paul, MN 55101-1638
Tel: (800) 290-5847 x 5525
usace_requests_wi@usace.army.mil
www.mvp.usace.army.mil
- For permits:
 - WDNR Wetlands
<https://dnr.wi.gov/topic/wetlands/>
 - U. S. Army Corps of Engineers
St. Paul District
180 5th Street East, Suite 700
St. Paul, MN 55101-1638
Tel: (800) 290-5847 x 5525
usace_requests_wi@usace.army.mil
www.mvp.usace.army.mil

U.S. Army Corps of Engineers

General Regulatory Branch
St. Paul District
U.S. Army Corps of Engineers
180 5th St., East, Suite 700
St. Paul, MN 55101-1638
Tel: (800) 290-5847 x 5525
usace_requests_wi@usace.army.mil
www.mvp.usace.army.mil

Air Quality

Small Business Environmental Assistance
Program Air Management Permit Primer
webpage
<https://dnr.wisconsin.gov/topic/SmallBusiness/Primer/AirMgmt.html>

Additional resources include:

- WDNR Air Permit Page:
<https://dnr.wisconsin.gov/topic/AirPermits/Options.html>
- Air Permit Exemption Page:
<https://dnr.wisconsin.gov/topic/SmallBusiness/Exemptions.html>

If further consultation is required contact: The DNR Air Program contact, Megan Corrado at: Megan.Corrado@wisconsin.gov or (608) 405-0327

WI Coastal Zone Management Program

101 E. Wilson St., 9th Floor
P.O. Box 8944
Madison WI 53708-8944
Tel: (608) 267-7982
coastal@wisconsin.gov
<https://doa.wi.gov/Pages/LocalGovtsGrants/CoastalManagement.aspx>

U. S. Environmental Protection Agency

Manager
Federal Activities Program
Planning and Management Division
77 West Jackson Boulevard
Chicago, IL 60604
Tel: (312) 886-7342
Fax: (312) 353-5374

Endangered Species

U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 American Blvd East
Bloomington, MN 55425
Tel: (952) 252-0092
Fax: (952) 646-2873
TwinCities@fws.gov
<https://www.fws.gov/midwest/TwinCities/>
WDNR Endangered Resources
Tel: (608) 261-6449
<https://dnr.wi.gov/topic/EndangeredResources/>

BCD CDBG Implementation Handbook

Wild and Scenic Rivers [all projects located on rivers]

Regional Environmental Coordinator
National Park Service
601 Riverfront Drive
Omaha NE 68102-4226
Tel: (402) 661-1848
Fax: (402) 661-1849

Farmland Protection

Natural Resources Conservation Service
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/wi/contact/local/>

Additional agencies may include: all other funding agencies, local news media, other interested government agencies and Native American Governments.

ATTACHMENT 4-E: DETERMINATION OF EXEMPTION (TEMPLATE)

Division of Energy, Housing and Community Resources
Determination of Exemption

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

DETERMINATION OF EXEMPTION
(Applicable only if all activities on Statement of Activities are Exempt)

1. Project Name: _____

2. Complete Project Description (describe all activities from all funding sources):

TEMPLATE

3. 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).

4. Date Signed: _____

5. Signature of the Chief Elected Official: _____

(Chief Elected Official: Name and title)

(Name of UGLG – County, City, Village, or Town)

(Address)

(City, State, Zip Code)

Determination of Exemption Revised: August 31, 2018

ATTACHMENT 4-F: NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (TEMPLATE)

Division of Energy, Housing and Community Resources

Notice of Intent to Request Release of Funds

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

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

Date of publication or posting: _____

(Name of UGLG) *(Telephone)*

(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.

(Project Title—insert-multi-year, if applicable)

(Purpose or Nature of Project)

(Location—City, County, State of Project)

§ _____
(Estimated Cost of Project)

On or about _____ 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 _____, 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 _____ will be considered by DEHCR.

(Chief Elected Official: Name, Title)

(Street, City, State and Zip Code of UGLG's Chief Elected Official)

ATTACHMENT 4-F1: NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)

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

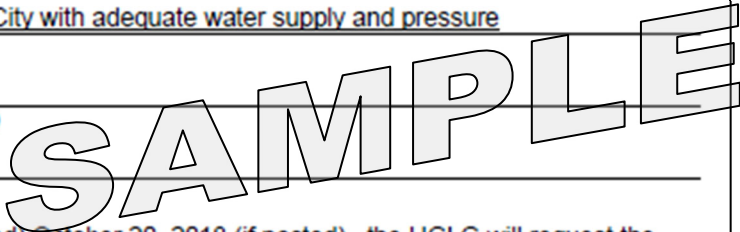
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
 FOR CATEGORICALLY EXCLUDED ACTIVITIES

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—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 (if posted) will be considered by DEHCR.

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

ATTACHMENT 4-G: COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (TEMPLATE)

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

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

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: _____

(Name of UGLG) *(Telephone)*

(Street, City, State, and Zip Code)

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.

(Project Title—insert-multi-year, if applicable)

(Purpose or Nature of Project)

(Location—City, County, State of Project)

\$ _____
(Estimated Cost of Project)

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 State (EIS) under the National Environmental Policy Act of 1969 (PL 91-190).

The reason for such decision is *(provide a brief but adequate explanation)*:

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 _____. 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 _____, 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 _____, 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 _____ will be considered by DEHCR.

(Chief Elected Official: Name, Title)

(Street, City, State and Zip Code of UGLG's Chief Elected Official)

Combined Notice of Intent to Request Release of Funds *Revised: August 31, 2018*

TEMPLATE

ATTACHMENT 4-G1: COMBINED NOTICE OF FINDINGS and NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (SAMPLE)

Division of Energy, Housing and Community Resources

Combined Notice of Intent to Request Release of Funds

GRANTEE/UGLG NAME: Canonsburg, Village of
 DEHCR GRANT AGREEMENT #: 17-99

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: October 16, 2018

Village of Canonsburg 608-372-2852
 (Name of UGLG) (Telephone)

1550 Delivery Street Canonsburg, WI 55005
 (Street, City, State, and Zip Code)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

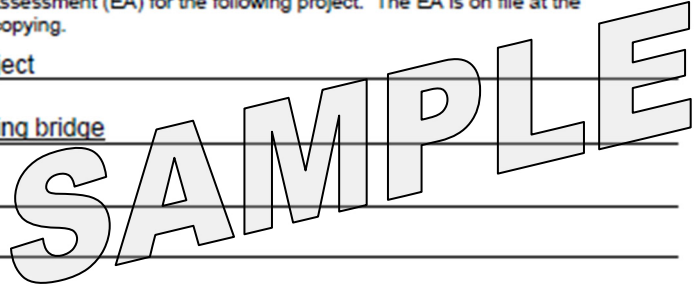
The above-named UGLG has prepared an Environmental Assessment (EA) for the following project. The EA is on file at the address above and is available for public examination and copying.

Goethe and Brewer Streets Reconstruction Project
 (Project Title—insert-multi-year, if applicable)

Replace water/sewer system and streets including bridge
 (Purpose or Nature of Project)

Village of Canonsburg, Washington County, WI
 (Location—City, County, State of Project)

\$ 4,051,016.08
 (Estimated Cost of Project)



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 State (EIS) under the National Environmental Policy Act of 1969 (PL 91-190).

The reason for such decision is (provide a brief but adequate explanation):

None of the agencies consulted noted any negative impacts; the project is expected to have only beneficial impacts on the human environment.

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 October 31, 2018 (if published) November 3, 2018 (if posted). 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 November 1, 2018 (if published) November 4, 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 the DEHCR that it and its chief executive officer, in his/her official capacity as Village President, 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 November 16, 2018 (if published) November 18, 2018 (if posted) will be considered by DEHCR.

Marissa Wright, Village President
 (Chief Elected Official: Name, Title)

1550 Delivery Street Canonsburg, WI 55005
 (Street, City, State and Zip Code of UGLG's Chief Elected Official)

ATTACHMENT 4-H: REQUEST FOR RELEASE OF FUNDS and CERTIFICATION (FORM HUD-7015.15) (TEMPLATE)

Download fillable PDF from at:

<https://www.hudexchange.info/resource/2338/hud-form-701515-request-release-funds-certification/>

Request for Release of Funds and Certification		U.S. Department of Housing and Urban Development Office of Community Planning and Development	OMB No. 2506-0087 (exp. 07/31/2017)
<p>This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.</p>			
Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)			
1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)	
4. OMB Catalog Number(s)	5. Name and address of responsible entity		
6. For information about this request, contact (name & phone number)			
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)		
<p>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</p>			
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)		
11. Program Activity/Project Description			
TEMPLATE			
Previous editions are obsolete		form HUD-7015.15 (1/99)	

BCD CDBG Implementation Handbook

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
	Date signed
X	
Address of Certifying Officer	

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed
X	

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form HUD-7015.15 (1/99)

ATTACHMENT 4-H1: REQUEST FOR RELEASE OF FUNDS and CERTIFICATION (FORM HUD-7015.15) (SAMPLE)

Request for Release of Funds and Certification		U.S. Department of Housing and Urban Development Office of Community Planning and Development	OMB No. 2508-0087 (exp. 07/31/2017)
<p>This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.</p>			
Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)			
1. Program Title(s) CDBG	2. HUD/State Identification Number B15-DC-55-0001	3. Recipient Identification Number (optional) 17-99	
4. OMB Catalog Number(s) CFDA 14.228	5. Name and address of responsible entity City of Rock Ridge 2320 Blue Bird Road Rock Ridge, WI 53327		
6. For information about this request, contact (name & phone number) Frank O'Brien 608-953-3837		7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request Department of Energy, Housing and Community Resources P. O. Box 7970 Madison, WI 53707-7970 ATTN: DEHCR Environmental Desk			
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following			
9. Program Activity(ies)/Project Name(s) Replacement of sanitary sewer and water system		10. Location (Street address, city, county, State) Cassity, Britton and Singer Streets Rock Ridge Summit County WI	
11. Program Activity/Project Description To replace undersized and deteriorated sanitary sewer and water system pipes.			
SAMPLE			
Previous editions are obsolete		form HUD-7015.15 (1/99)	

BCD CDBG Implementation Handbook

Part 2. Environmental Certification (to be completed by responsible entity)

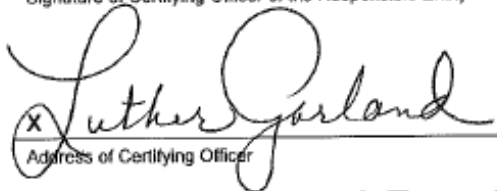
With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity


x Luther Garland

Title of Certifying Officer

Mayor

Date signed

10/23/2018

Address of Certifying Officer

2320 Blue Bird Road Rock Ridge, WI 53327

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form HUD-7015.15 (1/99)

**ATTACHMENT 4-H2: REQUEST FOR RELEASE OF FUNDS and
CERTIFICATION (FORM HUD-7015.15) (INSTRUCTIONS)**

**Instructions for Completing the
Request for Release of Funds and Certification [Form HUD-7015.15]**

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

Block 1. Program Title(s): Enter the HUD program name - e.g., Community Development Block Grant (CDBG), HOME, etc.

Block 2. HUD/State Identification Number: Enter the HUD grant number under which the proposed activity will be funded, e.g., B15-DC-55-0001. See Attachment C of UGLG's Grant Agreement (Federal Award Identification Number).

Block 3. Recipient Identification Number: Enter UGLG's Grant Agreement number.

Block 4. OMB Catalog Number(s): Enter designated Catalog of Federal Domestic Assistance letters/numbers obtained from Attachment C of the UGLG's Grant Agreement - e.g., **CFDA 14.228, CDBG Program**.

Block 5. Name and Address of Responsible Entity: Enter the name and address of the unit of government or the State Agency/Department responsible for the environmental review of the activity(ies)/project(s). It may be the same as the grant recipient implementing the project.

Block 6. For information about this request, Contact (name & phone number): Enter the name and phone number of the person to contact concerning this form HUD-7015.15 and the environmental review(s) for the activity(ies)/project(s) listed on this form.

Block 7. Name and Address of Recipient (if different than responsible entity): If applicable, enter the name of the organization (e.g., non-profit, for-profit, housing authority) directly receiving HUD grant funds.

Block 8. HUD or State Agency and Office Unit to Receive Request: Enter the name and address of the HUD Office (including the unit within that Office if known) or State Agency to whom form HUD-7015.15 will be submitted. **For the DOA DEHCR Environmental Desk, enter:**

Department of Energy, Housing and Community Resources
P. O. Box 7970
Madison, WI 53707-7970
ATTN: DEHCR Environmental Desk

Block 9. Program Activity/Project Name: Enter the name of the activity/project for which the request for release of funds is being submitted. Examples: Activities in the 2010 Action Plan; Construction of Maple Woods Apartments; Renovation of XYZ Community Center.

Block 10. Location (street address, city, county, and State): Enter the location of the activity/project.

Block 11. Program Activity/Project Description: Enter a clear, complete and concise description of the project to which this form pertains. Include all aggregate project activities, including non-HUD funded portions.

Part 2. Environmental Certification (to be completed by Responsible Entity)

Item 4: Check either the first or second box. The second box is usually checked.

Signature of Certifying Officer of the Responsible Entity:

The Certifying Officer signs his/her name, including title, and the date signed. The Certifying Officer is usually the chief elected official for the responsible entity/jurisdiction (UGLG) in which the project is located, or his/her designee. The Certifying Officer is attesting to the responsible entity's compliance with HUD's environmental review procedures (24 CFR Part 58) as set forth in points 1 through 8 in Part 2 of the form HUD-7015.15.

If the responsible entity is also the grant recipient, the completed form HUD-7015.15, along with a copy of the posted or published environmental notice(s), is/are submitted to the appropriate HUD Office. If the responsible entity is not also the grant recipient, the form HUD-7015.15 is then transmitted to the grant recipient, in accordance with 24 CFR 58.71(b), along with a copy of the completed signed and dated Environmental Review Record (ERR), and the posted or published environmental notice(s).

Include the Certifying Officer's title, address and the date the form was signed.

Part 3. To be completed when the Recipient is not the Responsible Entity

If the Responsible Entity is not the same as the grant Recipient, form HUD-7015.15 must be transmitted to the Recipient, with copies of the completed, signed Environmental Review Record and the posted or published environmental Notices.

The *recipient* receives the completed form HUD-7015.15 from the *responsible entity*. It is to be signed and dated by the "Authorized Officer" of the recipient. The recipient then submits the completed form HUD-7015.15 along with a copy of the posted or published public Notice(s) to the appropriate HUD Office. The recipient maintains the copy of the ERR in its official program/project file, as applicable.

HUD NOTE: The recipient, by signing form HUD-7015.15, agrees to implement any special environmental conditions resulting from the environmental review prepared by the responsible entity. The recipient also agrees to notify the responsible entity of any proposed change in scope of the project or any change in environmental conditions. It also agrees not to implement any of those changes without a prior concurrence from the responsible entity and, if deemed necessary by the responsible entity, a supplemental formal release of funds from HUD.

TIPS for filling out the form.

Here are some tips that will help responsible entities and grant recipients avoid submission errors that could delay the release of funds (aka, environmental approval):

- Only use this current official OMB-approved form, HUD-7015.15, expired versions will be returned with a request to use the current form, follow the instructions for completion. The most current form can be downloaded from:
<https://www.hudexchange.info/resource/2338/hud-form-701515-request-release-funds-certification/>
- Accurately describe the location of the project (Box 10), may be street address or description of boundaries. If the project location will not fit in Box 10, include the location in the project description area (Box 11).
- Provide a comprehensive, accurate and finite project description (Box 11), include the maximum realistic scope and magnitude of proposed activities. Do not forget to include in the description all HUD and non-HUD funded activities that logically comprise the project. Clearly describe the physical project activities, not necessarily the justification, social implications of the project or need for the project.
- Ensure that the Certifying Official does not sign the RROF until after the expiration of the public comment period and after comments, if any, have been addressed, as appropriate.

Following these procedures should aid the release of funds, prevent delays and enable the projects to start on schedule.

ATTACHMENT 4-I: ENVIRONMENTAL REPORT (TEMPLATE)

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: _____

Phone Number of Preparer: _____

Email Address of Preparer: _____

Signature of Chief Elected Official: _____ Date Signed: _____

Printed Name & Title: _____

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 – Combined Notice of Intent/Request for Release of Funds required

TEMPLATE

Environmental Report Page 1 Revised: August 31, 2019

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Environmental Report

ENVIRONMENTAL REPORT

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<u>TOPIC</u>	<u>PAGE</u>
Cover Sheet.....	1
Table of Contents.....	2
PART 1 – Environmental Review Record (ERR).....	3
Project Description.....	3
Brief Description of Project Activities.....	3
Brief Description of a Project Site and Immediate Area.....	3
Statement of Activities Form.....	4
Statutory Checklist (not applicable to Planning Projects).....	
Project Classification.....	
Summary.....	
Summary of Findings and Conclusions.....	
Summary of Environmental Conditions (not applicable to Planning Projects).....	
Project Modifications and Alternatives Considered (not applicable to Planning Projects).....	
Additional Studies Performed (if applicable; not applicable to Planning Projects).....	
Mitigation Measures Needed (if applicable; not applicable to Planning Projects).....	
Field Notes Checklist (not applicable to Planning Projects).....	
PART 2 – Environmental Assessment (EA).....	
Environmental Assessment Checklist (if applicable).....	
Impact Certification.....	
Supporting Documentation.....	
Site Map.....	
Site Photographs.....	
Floodplain Map.....	
Manmade Hazards (if applicable).....	
Other Reviews.....	

TEMPLATE

DEHCR Environmental Desk
 Division of Energy, Housing and Community Resources
 Wisconsin Department of Administration – 9th Floor
 P. O. Box 7970
 Madison, WI 53707-7970

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Environmental Report

PART 1 – ENVIRONMENTAL REVIEW RECORD (ERR)

PROJECT DESCRIPTION

1. Project Type:

- Planning (CDBG-PLNG/CDBG-CL-PLNG)
- Public Facilities (CDBG-PF/CDBG-CL-PF)
- Public Facilities for Economic Development (CDBG-PFED/CDBG-CL-PFED)
- Economic Development (CDBG-ED/CDBG-CL-ED)
- HOME
- RHD
- 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.

TEMPLATE

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Environmental Report

Insert the **STATEMENT OF ACTIVITIES** here.

(Attachment can be found in the Environmental Review Chapter of the Implementation Handbook)

[Applicable to ALL projects]

TEMPLATE

Environmental Report

Page 4

Revised: August 31, 2019

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Environmental Report

Insert the **STATUTORY CHECKLIST** here.

(Attachment can be found in the Environmental Review Chapter of the Implementation Handbook)

[NOT applicable to Planning Projects]

TEMPLATE

Environmental Report

Page 5

Revised: August 31, 2019

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Environmental Report

PROJECT CLASSIFICATION

Complete only the pertinent information for the classification applicable to your project. Mark all other classification options as "Not Applicable."

Project Classification:

TEMPLATE

1. Exempt Activities

<SELECT>

Is this project considered Exempt under §58.34(a)? YES NO
If YES, select EXEMPT from the drop-down list (to the left), otherwise select N/A.

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

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

<SELECT>

Is this project considered Categorically Excluded as defined in §58.35(b)? YES NO
If YES, select CATEGORICALLY EXCLUDED, NOT SUBJECT TO from the drop-down list (to the left), otherwise select N/A.

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

<SELECT>

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, did this project require further consultation with regulatory authorities? YES NO
If NO, select CONVERTED TO EXEMPT from the drop-down list (to the left); If YES, select CATEGORICALLY EXCLUDED, AND SUBJECT TO from the drop-down list (to the left); Otherwise select N/A.

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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 **DID 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 under §58.36.

<SELECT>

Is an Environmental Assessment required? YES NO
If NO, select N/A from the drop-down list (to the left).

Was there a Finding of Significant Impact? YES NO

If there is a Finding of No Significant Impact then submit to the DECHR 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 (EIS) is required. Please contact the DEHCR Environmental Desk for further information.

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SUMMARY

SUMMARY OF FINDINGS AND CONCLUSIONS (*Select one.*)

- The proposed project is in compliance with all laws and authorities pertaining to environmental review and found in 24 CFR 58.5. There are no conditions or circumstances requiring further review or analysis.
- The proposed project is not in compliance with all laws and authorities pertaining to environmental review and found in 24 CFR 58.5. There are conditions or circumstances requiring further review or analysis. An Environmental Impact Statement (EIS) may be required.

SUMMARY OF ENVIRONMENTAL CONDITIONS (*Select one.*)

- The project will have several beneficial effects on the human environment, including the provision of safe and affordable housing for low- and moderate-income households residing in _____ . As proposed, the project will not be affected by any known adverse environmental conditions; nor will the project cause any adverse effect on adjacent or nearby properties or their residents.
(Name of UGLG)
- The project may have several non-beneficial effects on the human environment, including the provision of safe and affordable housing for low- and moderate-income households residing in _____ . As proposed, the project could be affected by any known adverse environmental conditions and may cause an adverse effect on adjacent or nearby properties or their residents. An Environmental Assessment is required under 24 CFR 58.36.
(Name of UGLG)

PROJECT MODIFICATIONS AND ALTERNATIVES CONSIDERED:

ADDITIONAL STUDIES PERFORMED:

MITIGATION MEASURES NEEDED:

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Field Notes Checklist

Project Number:	DEHCR Grant Agreement #: _____
Project Name: _____	
Location: (street, city, county, state, and zip code) _____	
Number of Dwelling Units: <input type="checkbox"/> New construction <input type="checkbox"/> Rehabilitation	Project site is in a location described as: <input type="checkbox"/> Central City <input type="checkbox"/> Suburban <input type="checkbox"/> Infill urban development <input type="checkbox"/> In developing rural area <input type="checkbox"/> In undeveloped area

TEMPLATE

Instructions for Completing Field Notes Checklist:

It is required that this checklist be used by staff preparing an Environmental Report for projects classified as either Categorical Excluded, Subject to 58.5 (Environmental Review Record [ERR]) or requiring an Environmental Assessment (EA). It will constitute full documentation for many factors on the ERR and EA, and partial documentation for others. It will avoid narrative reports and expedite the environmental review process.

Preparers are to obtain and use, as appropriate, any environmental report (federal, state, or local) that may have already been prepared for the property or area in which the property is located in order to limit duplications of effort. If an ERR or EA for the project site has been approved by another state or federal agency, contact DOAEnvironmentalDesk@wisconsin.gov to determine if completion of the Checklist is required.

A site visit is strongly recommended for most projects. Before the site visit, review all background information submitted with the application including a Phase I (ASTM) Report (if applicable). During the site visit, the preparer is to:

- answer all relevant questions on this checklist;
- use the spaces provided for comments to include supplemental information as well as to record any recommended mitigation measures or requirements for project approval;
- key the answers to the relevant questions (using additional sheets of paper to provide more detailed information); and
- use the spaces provided for source documentation to cite the information source used (e.g., title of a technical report, map, or special study; site inspection/field observation; name and location of the qualified data source(s) that provided the information, for example, the local planning agency, the local housing and/or community development agency, the state environmental protection agency, the State Historic Preservation Officer, or other qualified data source.)

Several different types of maps will be useful in completing the review, such as a site plan, project area map, the USGS topographic map and FEMA flood map for the site area, and zoning/land use maps. Many of the conditions can and should be recorded directly on the project plan such as distances to major features/facilities (e.g., schools/fire stations). The plan can then be referenced as "source documentation" when completing the ERR and EA.

The Field Notes Checklist is based on Form HUD-4128 and HUD's Environmental Assessment Guide for Housing Projects (Handbook 1390.2). Both documents can be found at: https://www.hud.gov/program_offices/administration/hudclips.

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1. Briefly describe proposed project:

2. Federal Funding Source:

- CDBG Planning
- CDBG Public Facilities
- CDBG Economic Development
- CDBG Public Facilities Economic Development
- CDBG CLOSE
- HOME
- RHD
- Other

3. Environmental Reports

List the federal, state, or local agencies contacted via letter, email or website to obtain their existing environmental reports and other data for the HUD environmental review for the proposed project. Include website address for those agencies contacted through a website.

(a) List the agencies contacted: (Attach/insert the list into the Field Notes Checklist here.)

List major reports obtained: (attach the report(s) or otherwise list the title, author, and publication date). (Attach/insert the list into the Field Notes Checklist here.)

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4. Planning (All projects)

(a) Is the project in compliance or conformance with the local zoning? If NO or NOT APPLICABLE, explain why: Yes No N/A

(b) Is the project located within a coastal management zone (15 counties with frontage on Lake Superior and Lake Michigan)? Yes No
<https://doa.wi.gov/Pages/LocalGovtsGrants/CoastalManagement.aspx>

If your answer is YES, the state Coastal Zone Management (CZM) Agency must make a finding that the project is consistent with the approved state CZM program and you must attach the finding to this checklist.

(c) Is the project in compliance with the air quality State Implementation Plan (SIP)? Yes No N/A
<https://dnr.wi.gov/topic/airquality/>

Comments:

T E M P L A T E

Supporting Documentation including sources:

5. Historic Preservation (All projects)

Has the DOA Environmental Desk/State Historic Preservation Officer (SHPO) been notified of the project and requested to provide comments? Yes No
 36 CFR 800 Protection of Historic Properties <https://gov.ecfr.io/cgi-bin/ECFR>

Is property listed on or eligible for listing on the National Register of Historic Places? Yes No

Is property located within or directly adjacent to an historic district? Yes No

Does the property's area of potential effects include an historic district or property? Yes No

Comments:

Supporting Documentation including sources:

6. Coastal Barrier Resources (All projects)

Is the project located within a coastal barrier zone designated on a current FEMA flood map or USFWS coastal barrier resources map? Yes No
<https://www.fws.gov/cbra/maps/index.html>

If your answer is YES, the Coastal Barrier Resources Act (CBRA) prohibits Federal funding of projects in designated coastal barriers. Please contact the DEHCR Environmental Desk immediately (DOAEnvironmentalDesk@wisconsin.gov).

Comments:

Supporting Documentation including sources:

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7. Flood Management (All projects).

Is the project located within a Special Flood Hazard Area (1% risk floodplain) designated on a current FEMA flood map? 24 CFR 55 Floodplain Management and Protection of Wetlands <https://gov.ecfr.io/cgi-bin/ECFR>

Yes No

Community Name: _____

Community Identification Number (CID): _____

<https://www.fema.gov/national-flood-insurance-program-community-status-book>

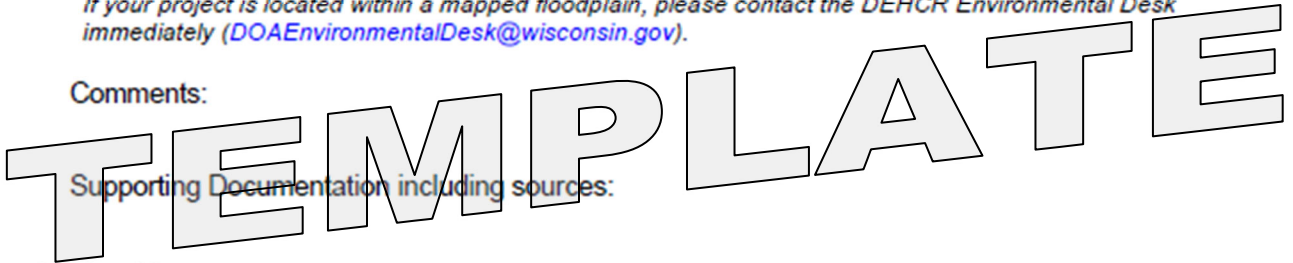
Map Panel Number/Effective Date of Map Panel: _____

<https://msc.fema.gov/portal/home;>
[https://dnr.wi.gov/topic/surfacewater/swdvl/](https://dnr.wi.gov/topic/surfacewater/swdvl)

If your project is located within a mapped floodplain, please contact the DEHCR Environmental Desk immediately (DOAEnvironmentalDesk@wisconsin.gov).

Comments:

Supporting Documentation including sources:



8. Flood Insurance

Is the building located or to be located within a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)?

Yes No

If your answer is YES, flood insurance protection is required for buildings located or to be located within a Special Flood Hazard Area as a condition of approval of the project. In addition, compliance with § 55.12 and the floodplain management decision-making process (§ 55.20) is required. Document the map used to determine Special Flood Hazard Area including the community name, CID, map panel number and date of map panel.

9. Protection of Wetlands (E.O. 11990)

Are there drainage ways, streams, rivers, or coastlines on or near the site?

Yes No

Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?

Yes No

Is the project located within a wetland designated on a National Wetlands Inventory map of the Department of the Interior (DOI)?

<https://www.fws.gov/wetlands/data/mapper.html>

Yes No

Is the project located within a wetland designated on a Wisconsin Wetlands Inventory map? [https://dnr.wi.gov/topic/surfacewater/swdvl/](https://dnr.wi.gov/topic/surfacewater/swdvl)

Yes No

If your answer is YES, E.O. 11990, Protection of Wetlands, discourages Federal funding of new construction or filling in wetlands. In wetlands, compliance is required with the wetlands decision-making process which can be found at: <https://www.hudexchange.info/environmental-review/wetlands-protection/>

Does the project disturb more than one (1) acre of land?

If your answer is YES, then provide a copy of an approved NPDES Stormwater Permit.

Comments:

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Supporting Documentation including sources:

10. Endangered Species

Has the Department of Interior list of Endangered Species and Critical Habitats been reviewed?

<http://www.fws.gov/midwest/Endangered/section7/s7process/index.html>

Yes No

Has the WDNR Natural Heritage Inventory been reviewed?

<https://dnr.wi.gov/topic/erreview/publicportal.html>

Yes No

Is the project likely to affect any listed or proposed endangered or threatened species or critical habitats?

Yes No

If your answer is YES, compliance is required with Section 7 of the Endangered Species Act, which mandates consultation with the Fish and Wildlife Service in order to preserve the species. The WDNR should be contacted to ensure compliance with Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats).

Comments:

Supporting Documentation including sources: **TEMPLATE**

11. Wild and Scenic Rivers

Is the proposed project on or near a wild and scenic river?

<https://www.rivers.gov/wisconsin.php>

Yes No

Comments:

Supporting Documentation including sources:

12. Sole Source Aquifers

Will the proposed project affect a sole source or other aquifer?

Yes No

Comments:

None in Wisconsin

Supporting Documentation including sources:

<https://www.epa.gov/dwssa>

13. Farmlands Protection

If the site or area is presently being farmed, does the project conform to the Farmland Protection Policy Act and HUD policy memo?

<https://www.hudexchange.info/environmental-review/farmlands-protection/>

Yes No

If your answer is YES, compliance is required with 7 CFR 658, Department of Agriculture regulations Implementing the Act.

Comments:

Supporting Documentation including sources:

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14. Unique Natural Features and Areas

Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas? Yes No

Are other natural resources visible on site or in vicinity? Will any such resources be adversely affected or will they adversely affect the project? Yes No

Comments:

15. Noise Abatement

Is project located near a major noise source, i.e., FAA regulated airports or military airfields (within 15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet)? Yes No
<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

If your answer is YES, comply with 24 CFR 51, Subpart B which requires a noise assessment for proposed new construction. Use adopted DNL contours if the noise source is an airport.

Comments:

Supporting Documentation including sources:

16. Airport Hazards

Is the project within 2,500 feet of a civil airport? Yes No

Is the project within 15,000 feet of a military airport? Yes No

If your answer is YES to either of the above questions, comply with 24 CFR 51, Subpart D.
<https://www.hudexchange.info/environmental-review/airport-hazards/>

Comments:

Supporting Documentation including sources:

17. Hazardous Industrial Operations

Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site? Yes No

<https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>
https://datop.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx

If your answer is YES, use HUD Hazards Guidance and comply with 24 CFR 51, Subpart C.

Comments:

Supporting Documentation including sources:

18. Toxic Chemicals and Radioactive Materials

Has a Phase I (ASTM) Report been submitted and reviewed? Yes No

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- If your answer is NO, is a Phase I (ASTM) report needed? Yes No
- Are there issues that require a special/specific Phase II report before completing the environmental assessment? Yes No
- Is the project site near an industry disposing of chemicals or hazardous wastes? Yes No
- Is the site listed on an EPA Superfund National Priorities or CERCLA, or equivalent state list? Yes No
- Is the site located within 3,000 feet of a toxic or solid waste landfill site? Yes No
- Does the site have an underground storage tank? Yes No

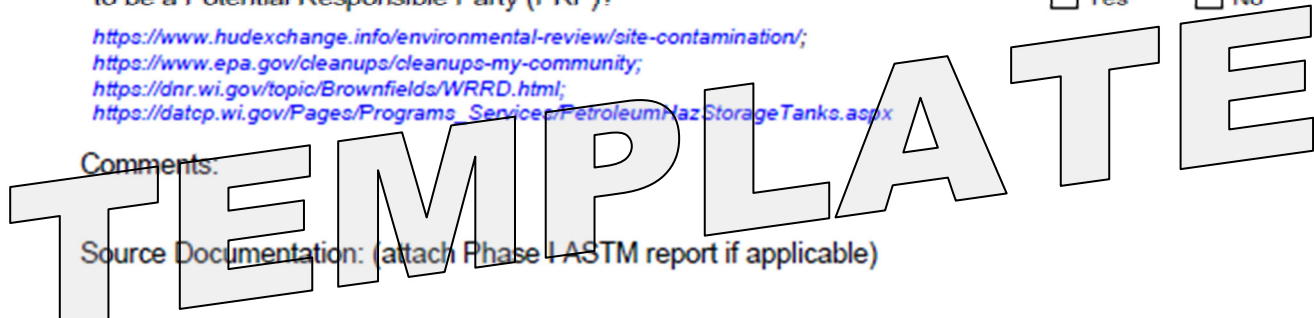
If your answer is YES to any of the above questions, use current techniques by qualified professionals to undertake investigations determined necessary and comply with § 50.3(i).

Are there any unresolved concerns that could lead to HUD being determined to be a Potential Responsible Party (PRP)? Yes No

- [https://www.hudexchange.info/environmental-review/site-contamination/;](https://www.hudexchange.info/environmental-review/site-contamination/)
- <https://www.epa.gov/cleanups/cleanups-my-community;>
- <https://dnr.wi.gov/topic/Brownfields/WRRD.html;>
- https://datcp.wi.gov/Pages/Programs_Service/Petroleum/az/StorageTanks.aspx

Comments:

Source Documentation: (attach Phase I ASTM report if applicable)



19. Site Suitability, Access, and Compatibility with Surrounding Development

- Has the site has been used as a dump, sanitary landfill or mine waste disposal area? Yes No
- Is there paved access to the site? Yes No
- Are there other unusual conditions on site? Yes No

Is there indication of:

	Yes	No		Yes	No
Distressed vegetation	<input type="checkbox"/>	<input type="checkbox"/>	Oil/chemical spills	<input type="checkbox"/>	<input type="checkbox"/>
Waste material/containers	<input type="checkbox"/>	<input type="checkbox"/>	Abandoned machinery, cars, refrigerators, etc.	<input type="checkbox"/>	<input type="checkbox"/>
Soil staining, pools of liquid	<input type="checkbox"/>	<input type="checkbox"/>	Transformers, fill/vent pipes, pipelines, drainage structures	<input type="checkbox"/>	<input type="checkbox"/>
Loose/empty drums, barrels	<input type="checkbox"/>	<input type="checkbox"/>			

Is the project compatible with surrounding area in terms of:

	Yes	No		Yes	No
Land use	<input type="checkbox"/>	<input type="checkbox"/>	Building type (low/high-rise)	<input type="checkbox"/>	<input type="checkbox"/>
Height, bulk, mass	<input type="checkbox"/>	<input type="checkbox"/>	Building density	<input type="checkbox"/>	<input type="checkbox"/>

Will the project be unduly influenced by:

	Yes	No		Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

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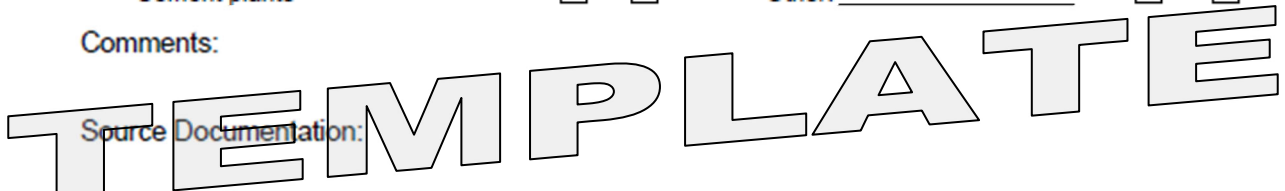
- | | | | | | |
|----------------------------|--------------------------|--------------------------|-------------------------------|--------------------------|--------------------------|
| Building deterioration | <input type="checkbox"/> | <input type="checkbox"/> | Transition of land uses | <input type="checkbox"/> | <input type="checkbox"/> |
| Postponed maintenance | <input type="checkbox"/> | <input type="checkbox"/> | Incompatible land uses | <input type="checkbox"/> | <input type="checkbox"/> |
| Obsolete public facilities | <input type="checkbox"/> | <input type="checkbox"/> | Inadequate off-street parking | <input type="checkbox"/> | <input type="checkbox"/> |

Are there air pollution generators nearby which would adversely affect the site:

- | | Yes | No | | Yes | No |
|-------------------------|--------------------------|--------------------------|--|--------------------------|--------------------------|
| Heavy industry | <input type="checkbox"/> | <input type="checkbox"/> | Large parking facilities (1000 or more cars) | <input type="checkbox"/> | <input type="checkbox"/> |
| Incinerators | <input type="checkbox"/> | <input type="checkbox"/> | Heavy traveled highway (6 or more lanes) | <input type="checkbox"/> | <input type="checkbox"/> |
| Power generating plants | <input type="checkbox"/> | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| Oil refineries | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| Cement plants | <input type="checkbox"/> | <input type="checkbox"/> | | | |

Comments:

Source Documentation:



20. Soil Stability, Erosion, and Drainage

Slopes: Not Applicable Steep Moderate Slight

Is there evidence of slope erosion or unstable slope conditions on or near the site? Yes No

Is there evidence of ground subsidence, high water table, or other unusual conditions on the site? Yes No

Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the neighborhood of the site? Yes No

Have soil studies or borings been made for project site or area? Yes No Unknown

Do the soil studies or borings indicate marginal or unsatisfactory soil conditions? Yes No

Is there indication of cross-lot runoff, swales, drainage flows on the property? Yes No

Are there visual indications of filled ground? Yes No

If your answer is YES, was a 79(g) report/analysis submitted? Yes No

Are there active rills and gullies on site? Yes No

If the site is not to be served by a municipal waste water disposal system, has a report of the soil conditions suitable for on-site septic systems been submitted? Yes No N/A

Is a soils report (other than structural) needed? Yes No

Are structural borings or a dynamic soil analysis/geological study needed? Yes No

Comments:

Source Documentation:

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21. Nuisances and Hazards

Will the project be affected by natural hazards:

	Yes	No		Yes	No
Faults, fracture	<input type="checkbox"/>	<input type="checkbox"/>	Fire hazard materials	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, bluffs, crevices	<input type="checkbox"/>	<input type="checkbox"/>	Wind/sand storm concerns	<input type="checkbox"/>	<input type="checkbox"/>
Slope-failures from rains	<input type="checkbox"/>	<input type="checkbox"/>	Poisonous plants, insects or animals	<input type="checkbox"/>	<input type="checkbox"/>
Unprotected water bodies	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous terrain features	<input type="checkbox"/>	<input type="checkbox"/>

Will the project be affected by man-made hazards and nuisances:

	Yes	No		Yes	No
Hazardous street	<input type="checkbox"/>	<input type="checkbox"/>	Inadequate screened	<input type="checkbox"/>	<input type="checkbox"/>
Dangerous intersection drainage catchments	<input type="checkbox"/>	<input type="checkbox"/>	Hazards in vacant lots	<input type="checkbox"/>	<input type="checkbox"/>
Through traffic	<input type="checkbox"/>	<input type="checkbox"/>	Chemical tank-car terminal	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate separation of pedestrian/vehicle traffic	<input type="checkbox"/>	<input type="checkbox"/>	Other hazardous chemical storage	<input type="checkbox"/>	<input type="checkbox"/>
Children's play areas located next to freeway or other high traffic way	<input type="checkbox"/>	<input type="checkbox"/>	High-pressure gas or liquid petroleum transmission lines on site	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate street lighting	<input type="checkbox"/>	<input type="checkbox"/>	Overhead transmission lines	<input type="checkbox"/>	<input type="checkbox"/>
Quarries or other excavations	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous cargo transportation routes	<input type="checkbox"/>	<input type="checkbox"/>
Dumps/sanitary landfills or mining	<input type="checkbox"/>	<input type="checkbox"/>	Oil or gas wells	<input type="checkbox"/>	<input type="checkbox"/>
Railroad crossing	<input type="checkbox"/>	<input type="checkbox"/>	Industrial operations	<input type="checkbox"/>	<input type="checkbox"/>

Will the project be affected by nuisances:

	Yes	No		Yes	No
Gas, smoke, fumes	<input type="checkbox"/>	<input type="checkbox"/>	Unightly land uses	<input type="checkbox"/>	<input type="checkbox"/>
Odors	<input type="checkbox"/>	<input type="checkbox"/>	Front-lawn parking	<input type="checkbox"/>	<input type="checkbox"/>
Vibration	<input type="checkbox"/>	<input type="checkbox"/>	Abandoned vehicle	<input type="checkbox"/>	<input type="checkbox"/>
Glare from parking area	<input type="checkbox"/>	<input type="checkbox"/>	Vermin infestation	<input type="checkbox"/>	<input type="checkbox"/>
Vacant/boarded-up buildings	<input type="checkbox"/>	<input type="checkbox"/>	Industrial nuisances	<input type="checkbox"/>	<input type="checkbox"/>
			Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Source Documentation:

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22. Water Supply, Sanitary Sewers, and Solid Waste Disposal

Is the site served by an adequate and acceptable:

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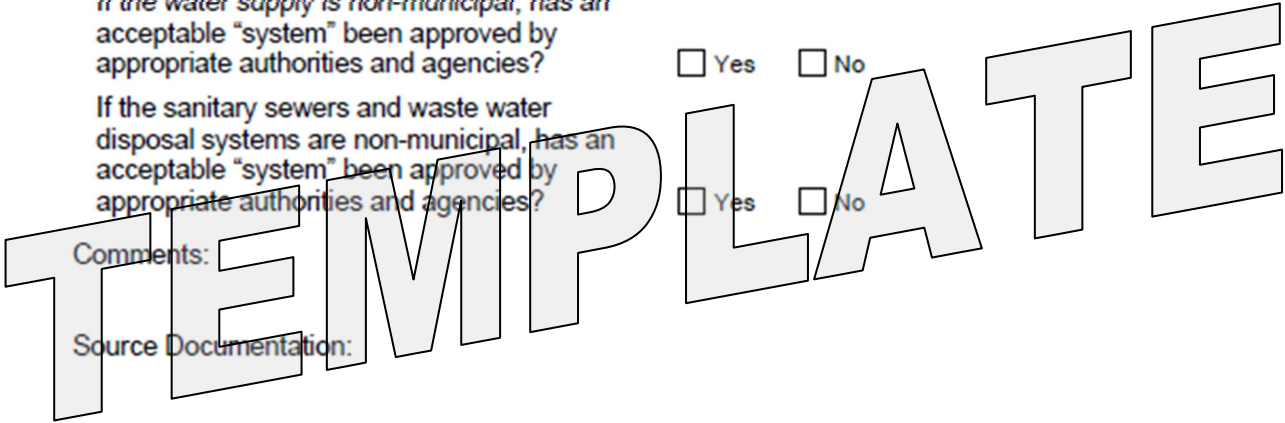
- water supply Yes No Municipal Private;
- sanitary sewers and waste water disposal Yes No Municipal Private; and systems
- trash collection and solid waste disposal Yes No Municipal Private.

If the water supply is non-municipal, has an acceptable "system" been approved by appropriate authorities and agencies? Yes No

If the sanitary sewers and waste water disposal systems are non-municipal, has an acceptable "system" been approved by appropriate authorities and agencies? Yes No

Comments:

Source Documentation:



23. Schools, Parks, Recreation, and Social Services

- Will the local school system have the capability to service the potential school age children from the project? Yes No
- Are parks and play spaces available on site or nearby? Yes No
- Will social services be available on site or nearby for residents of proposed project? Yes No

Comments:

Source Documentation:

24. Emergency Health Care, Fire and Police Services

- Are emergency health care providers located within reasonable proximity to the proposed project? Yes No
Approximate response time: _____
- Are police services located within reasonable proximity to the proposed project? Yes No
Approximate response time: _____
- Is fire fighting protection municipal volunteer adequate and equipped to service the project? Yes No
Approximate response time: _____

Comments:

Source Documentation:

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25. Commercial/Retail and Transportation

- Are commercial/retail shopping services nearby? Yes No
- Is the project accessible to employment, shopping and services by public transportation or private vehicle? Yes No
- Is adequate public transportation available from the project to these facilities? Yes No
- Are the approaches to the project convenient, safe and attractive? Yes No

26. Environmental Justice

- Is the project located in a predominantly minority and low-income neighborhood? Yes No
- Does the project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large? Yes No

If your answer is YES to both questions, compliance is required with E.O. 12898, Federal Actions to Address Environmental Justice.

<https://www.hudexchange.info/environmental-review/environmental-justice/>

Comments:

Source Documentation:

27. Conditions and Requirements for Approval:

- Are there any unresolved conflicts concerning the use of the site? Yes No
- If your answer is YES, briefly explain:

- Are mitigation measures required? Yes No

If your answer is YES, list and describe:

Field Inspection by: _____ (Name)

_____ (Signature)

on: _____ (Date)

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**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].

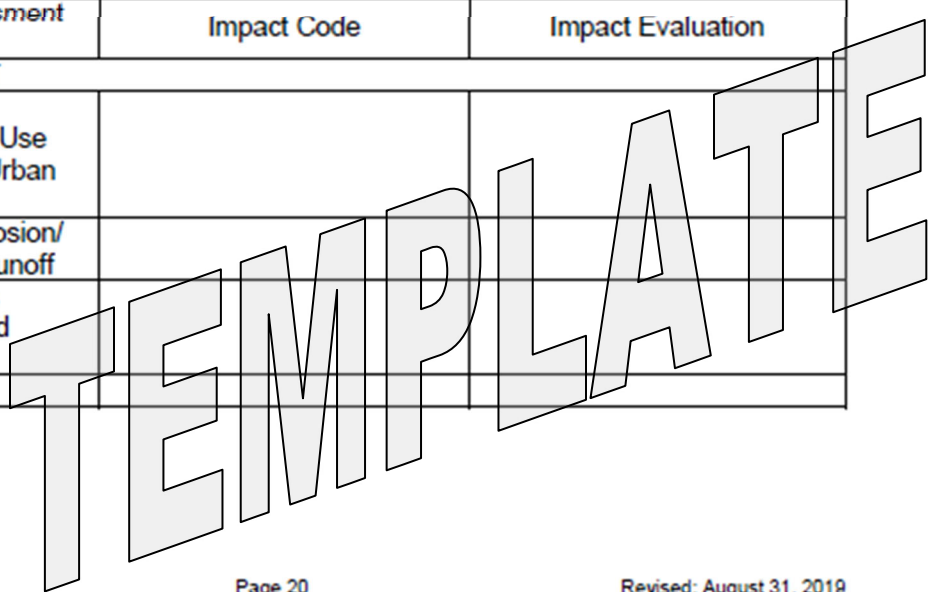
Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation 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		



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Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns		
Demographic Character Changes, Displacement		

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities		
Commercial Facilities		
Health Care and Social Services		
Solid waste Disposal/Recycling		
Waste Water/Sanitary Sewers		
Water Supply		
Public Safety (Police, Fire and Emergency Medical)		
Parks, Open Space and Recreation		
Transportation and Accessibility		

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources		
Vegetation, Wildlife		
Other Factors		

TEMPLATE

Additional Studies Performed:

Field Inspection (Date and completed by): _____

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

List of Permits Obtained:

Public Outreach [24 CFR 50.23 and 58.43]:

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Cumulative Impact Analysis [24 CFR 58.32]:

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]:

No Action Alternative [24 CFR 58.40(e)]:

Summary of Findings and Conclusions:

TEMPLATE

Division of Energy, Housing and Community Resources (DEHCR)

Community Development Block Grant – Environmental Report

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

Company/Firm

Date Signed

Signature

TEMPLATE

**ATTACHMENT 4-J: LETTER SEEKING REVIEW OF PROJECT
(TEMPLATE)**

Division of Energy, Housing and Community Resources

Letter Seeking Review of Project

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

LETTER SEEKING REVIEW OF PROJECT

TEMPLATE

Date _____

Address _____

Greeting _____

The _____ *[Name of UGLG preparing the ERR or EA]* is currently preparing an environmental review record or environmental assessment. The _____ *(UGLG)* is applying to the Division of Energy, Housing and Community Resources (DEHCR) for \$ _____ of CDBG monies, to be used for _____ *[project description]*, located in the _____ *[project location]*.

The _____ *(UGLG)* plans to use the funds for _____ *[description of project, including uses of all funds. Description should be approximately one (1) paragraph in length]*.

The project is located at _____ *[description of location, including township, range, and section, and street address]*. Enclosed is _____ *[a map or aerial photograph]* that shows the project site.

[Include here any specific information that an agency might need in order to respond, such as described in the Environmental Review Chapter of the Wisconsin CDBG Implementation Handbook.]

Review the proposed project and make a determination as to whether it is in conformance with _____ *[the regulations the particular agency enforces]*. Your prompt review and comments on this project will be greatly appreciated. If we have not received your comments within 30 days of the date of this letter, we will assume that you have no comment. If you should have any questions concerning this matter, contact _____ *[name and phone # of person preparing the ERR or EA]*.

Sincerely,

[Signature of person preparing the ERR or EA]

Enclosure(s)

**ATTACHMENT 4-K: MEMORANDUM FOR MAILING OF COMBINED NOTICE
(TEMPLATE)**

Division of Energy, Housing and Community Resources

Memorandum for Mailing of Combined Notice

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

MEMORANDUM FOR MAILING OF COMBINED NOTICE

TO: All interested agencies, groups, and persons
FROM: *(EA Preparer's Name, Firm)*
RE: Notice of Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds
DATE: *(Date of notice publication)*

The purpose of this memorandum is to provide to you a copy of the legal notice entitled, "Notice of Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds," which will be published as a Class I legal notice in the

_____ *(name of local newspaper)*, on *(date)*. The notice indicates that _____ *(UGLG's)* findings regarding the ERR or EA it has prepared for the _____ *(project title)*, as well as the _____ *(UGLG's)* intent to request the Division of Energy, Housing and Community Resources (DEHCR) to release federal funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383) for this project. The CDBG funds to be received by _____ *(UGLG)* would be used for _____ *(project description)*.

All interested agencies, groups, and persons disagreeing with this decision and request for release of funds are invited to submit written comments for consideration to the _____ *(UGLG's Chief Elected Official)* at _____ *(UGLG's address)*, in accordance with the attached notice.

TEMPLATE

ATTACHMENT 4-L: NATIONAL WILD AND SCENIC RIVERS INFORMATION

NATIONAL WILD AND SCENIC RIVERS SYSTEM COMPONENTS – WISCONSIN

River Name	County(s)	Segment Reach Description
Lower St. Croix River	Polk St. Croix Pierce	From dam at Taylor Falls, MN, downstream to confluence with Mississippi River.
Upper St. Croix and Namekagon Rivers	Polk Burnett Douglas Washburn Bayfield	St. Croix from Taylor Falls, MN, to the dam at Gordon, WI; Namekagon from its confluence with the St. Croix to the dam at Namekagon Lake.
Wolf River	Menomonie	From the Langlade-Menomonie County line downstream to Keshena Falls near the Village of Keshena.

RIVERS IN WISCONSIN WITH POTENTIAL FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS INVENTORY

River Name	County(s)	Segment Reach Description
Bad	Ashland	From Town of Mellen to mouth.
Black	La Crosse Jackson	From confluence with Mississippi River (above Lake Onalaska) to Black River Falls dam.
Black, East Fork	Jackson Wood Clark	Mouth to source.
Bois Brule	Douglas	Mouth to campground at County road south.
Chippewa	Pepin Dunn	From its confluence with Mississippi River to Eau Claire-Dunn County line.
Chippewa	Rusk Sawyer	Holcombe Flowage to dam at Radisson.
Chippewa, East Fork	Iron	From Sturgeon Bay at upper end of Blaisdell Lake to bridge crossing in Sec. 13 of Glidden.

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River Name	County(s)	Segment Reach Description
Chippewa, East Fork	Iron	Glidden to source.
Clam	Burnett Polk	Clam River flowage to Clam Falls flowage.
Crystal	Waupaca	Long Lake to Waupaca.
Des Plains	Kenosha	Wisconsin-Illinois state line to source.
Flambeau	Rusk Price Sawyer	Big Falls Reservoir to Crowley dam.
Flambeau, South Fork	Sawyer Rusk Price	Confluence with Flambeau to SR 13 south of Park Falls; Three Mile Creek to Round Lake.
Fox	Outagamie Brown	Kaukauna to De Pere.
Fox	Kenosha Racine Waukesha	Wilmot to Waterford dam. Waterford to Waukesha.
Jump, including North Fork	Chippewa Price Rusk Taylor	From Holcombe flowage to Spring Creek flowage.
Jump, South Fork	Price	Confluence with Jump River to SR 13 at Prentice.
Kickapoo	Crawford Richland Vernon	Confluence with Wisconsin River to Ontario.
La Crosse	La Crosse	Mouth to Perch Lake dam.
Marengo	Ashland	Confluence with Bad River to Town of Marengo.
Mecan	Marquette Waushara	From backwaters of impoundment at Germania to Richford.

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River Name	County(s)	Segment Reach Description
Milwaukee	Milwaukee	Thiensville to Grafton.
	Ozaukee	
	Washington	Waubeka to West Bend.
	Fond du Lac	Young America to Campbellsport. Campbellsport to Eden.
Nemaji	Douglas	From drive-in theater south of Superior village to Wisconsin-Minnesota state line.
Oconto	Oconto	Underhill to confluence with Peshtigo Brook.
Peshtigo	Marinette Forest	Backwaters of Caldron Falls Reservoir to source.
Pike, including south branch	Marinette	Mouth to Brock pond dam.
Pike River north branch	Marinette	Mouth to township road 1/2 mile downstream of U.S. 8.
Pine River	Florence Forest	From backwaters of Pine River dam to source.
Plover	Portage Marathon	Stevens Point to Bevent.
Popple	Florence Forest	Mouth to source.
Potato River	Iron	Confluence with Bad River to Town of Upson.
Somo River	Lincoln	Lake Mohawksin to junction of Big Somo and Little Somo creeks at Clifford.
Thornapple	Rusk Sawyer	Mouth to source (except part within Chequamegon National Forest).
Totagetic	Douglas Sawyer Washburn	From Minong flowage (formerly Lake Nancy) to Nelson Lake.
White	Ashland Bayfield	From impoundment at SR 112 crossing to source.

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River Name	County(s)	Segment Reach Description
Wisconsin	Marathon Lincoln	Merrill to Wausau. Wausau to Marathon County line south.
Wolf	Outagamie Waupaca Shawano	County Road P two miles north of Shiocton to Shawano.
Yellow	Juneau Wood	From Necedah Bluff to Spillway at Lake Baxter.

ATTACHMENT 4-M: 24 CFR 58 SUBPART D ENVIRONMENTAL REVIEW PROCESS

The most current version of the Code of Federal Regulations can be found at:
<http://162.140.57.127/cgi-bin/ECFR?page=browse>.

§58.34 Exempt activities.

(a) Except for the applicable requirements of §58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in §58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- (5) Inspections and testing of properties for hazards or defects;
- (6) Purchase of insurance;
- (7) Purchase of tools;
- (8) Engineering or design costs;
- (9) Technical assistance and training;
- (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- (12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances which require compliance with any other federal laws and authorities cited in §58.5.

(b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

§58.35 Categorical exclusions.

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see §58.2(a)(3)) in which a normally excluded activity may have a

significant impact. Compliance with the other applicable federal environmental laws and authorities listed in §58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

(a) *Categorical exclusions subject to §58.5.* The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in §58.5:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;

(ii) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20 percent;

(B) The project does not involve changes in land use from residential to non-residential; and

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(iii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

(4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

(ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.

(iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).

(5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

(6) Combinations of the above activities.

(b) *Categorical exclusions not subject to §58.5.* The Division has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the federal laws and authorities cited in §58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in paragraph (c) of this section. Following the award of the assistance, no further approval from

HUD or the State will be needed with respect to environmental requirements, except where paragraph (c) of this section applies. The recipient remains responsible for carrying out any applicable requirements under §58.6.

(1) Tenant-based rental assistance;

(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state, and federal government benefits and services;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

(c) *Circumstances requiring NEPA review.* If a responsible entity determines that an activity or project identified in paragraph (a) or (b) of this section, because of extraordinary circumstances and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

(d) The Environmental Review Record (ERR) must contain a well-organized written record of the process and determinations made under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15272, Mar. 30, 1998; 68 FR 56129, Sept. 29, 2003; 78 FR 68734, Nov. 15, 2013]

§58.36 Environmental assessments.

If a project is not exempt or categorically excluded under §§58.34 and 58.35, the responsible entity must prepare an EA in accordance with subpart E of this part. If it is evident without preparing an EA that an EIS is required under §58.37, the responsible entity should proceed directly to an EIS.

ATTACHMENT 4-N: ER/EA NOTICES CALENDAR EXAMPLES

Calendar for Notice of Intent to Request Release of Funds (NOI/RROF)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	Publish, Post or Mail NOI/RROF 3	4	5
6	7	8	9	End of comment period for NOI/RROF (published Notice) 10	UGLG sends Request for Release of Funds to DEHCR Env Desk (published Notice) 11	Start of DEHCR Env Desk comment period for NOI/RROF (published Notice) 12
End of comment period for NOI/RROF (posted/mailed Notice) 13	UGLG sends Request for Release of Funds to DEHCR Env Desk (posted/mailed Notice) 14	Start of DEHCR Env Desk comment period for NOI/RROF (posted/mailed Notice) 15	16	17	18	19
20	21	22	23	24	25	End of DEHCR Env Desk comment period for NOI/RROF (published Notice) 26
Earliest release date for funds and Certification Letter for NOI/RROF (published Notice) 27	28	End of DEHCR Env Desk comment period for NOI/RROF (posted/mailed Notice) 29	Earliest release date for funds and Certification Letter for NOI/RROF (posted/mailed Notice) 30	31	1	2
3	4	5	6	7	8	9

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Calendar for Combined Notice of Findings and Notice of Intent to Request Release of Funds (Combined NOF/NOI/RROF)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	Publish, Post or Mail Combined NOF/NOI/RROF 3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	End of comment period for Combined NOF/NOI/RROF (published Notice) 18	UGLG sends Request for Release of Funds to DEHCR Env Desk (published Notice) 19
Start of DEHCR Env Desk comment period for Combined NOF/NOI/RROF (published Notice) 20	End of comment period for Combined NOF/NOI/RROF (posted/mailed Notice) 21	UGLG sends Request for Release of Funds to DEHCR Env Desk (posted/mailed Notice) 22	Start of DEHCR Env Desk comment period for Combined NOF/NOI/RROF (posted/mailed Notice) 22	24	25	26
27	28	29	30	31	1	2
3	Earliest release date for funds and Certification Letter for Combined NOF/NOI/RROF (published Notice) 4	5	6	Earliest release date for funds and Certification Letter for Combined NOF/NOI/RROF (posted/mailed Notice) 7	8	9

ADDITIONAL NOTES: (optional)