
CHAPTER 4: ENVIRONMENTAL

DEHCR – BUREAU OF COMMUNITY DEVELOPMENT



WHAT IS AN ENVIRONMENTAL REVIEW?

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



WHY IS ENVIRONMENTAL REVIEW PART OF THE ADMINISTRATIVE PROCESS?

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



IMPORTANT REMINDERS

- The Unit of General Local Government (UGLG) must prepare an ER file that includes all activities related geographically or functionally, regardless of the source of funding [24 CFR 58.32].
- The ER must meet all federal, state and local requirements.
- The UGLG may not commit any HUD assistance funds or non-HUD funds until an award is approved, and the ER has been approved (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.



IMPORTANT REMINDERS

- Funds may be committed after an award has been made without certification for activities that are classified as ‘exempt’ [24 CFR 58.34] or ‘categorically excluded’ not subject to the statutory checklist [24 CFR 58.35(b)].
- DEHCR cannot release funds until the environmental review process is complete and an award and Grant Agreement are in place.



HOW TO COMPLETE AN ENVIRONMENTAL REVIEW

- Four (4) Step Process:
 1. Project Classification
 2. Project Review
 3. Public Notice
 4. Document Submittal
- Environmental Review Process Flowchart (Attachment 4-A)
- Environmental Report (Attachment 4-I)



STEP 1: PROJECT CLASSIFICATION

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

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

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

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



STEP I: PROJECT CLASSIFICATION (CONT.)

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

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

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

- Establishes new or significantly enlarged facilities or services.
- Cannot be clearly defined as either exempt or categorically excluded.



STEP 2: PROJECT REVIEW

All projects must complete a Statement of Activities

- Each activity must be correctly classified
- Each activity must have the correct citation
- Most restrictive classification on the State of Activities determines a project's overall classification

If a project is classified as Exempt or Categorically Excluded, Not Subject to 58.5 (Statutory Checklist) then no in-depth review is required.



STEP 2: PROJECT REVIEW (CONT.)

If a project is classified as Categorically Excluded, Subject to 58.5 (Statutory Checklist) then an in-depth review is required and:

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



STEP 2: PROJECT REVIEW (CONT.)

If a project is classified as requiring an Environmental Assessment then an in-depth review is required and:

- Must complete *Statutory Checklist* (Attachment 4-C)
- Must complete *Part 1 Environmental Review Record (ERR)* [Attachment 4-I *Environmental Report*]
- Allow 30 days for responses to requests for comment
- Must complete *Part 2 Environmental Assessment (EA)* [Attachment 4-I *Environmental Report*]
- EA evaluates qualitatively and quantitatively the results of the ERR to determine significance of the effects of the proposed project
- If *Finding of Significant Impact* then an EIS may be required. Contact DEHCR Environmental Desk immediately.



STEP 3: PUBLIC NOTICE REQUIREMENTS

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

- Not required to publish any public notices

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

- Not required to publish any public notices



STEP 3: PUBLIC NOTICE REQUIREMENTS (CONT.)

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

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

STEP 3: PUBLIC NOTICE REQUIREMENTS (CONT.)

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

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



STEP 3: PUBLIC NOTICE REQUIREMENTS (CONT.)

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

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
				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) 23	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



STEP 4: DOCUMENT SUBMITTAL REQUIREMENTS

All Environmental Reports must have:

- Cover page (Attachment 4-I)
- Project Description (Attachment 4 –I)
- *Project Classification* (Attachment 4-I)
- *Summary* (Attachment 4-I)
- *Statement of Activities* (Attachment 4-B)

All Environmental Reports must be complete and submitted to:

DEHCR Environmental Desk

DOAEnvironmentalDesk@Wisconsin.gov

Division of Energy, Housing and Community Resources

Wisconsin Department of Administration – 6th Floor

P. O. Box 7970

Madison, WI 53707-7970

STEP 4: DOCUMENT SUBMITTAL REQUIREMENTS (CONT.)

Exempt Activities

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

- Additional documents/forms:

Determination of Exemption (Attachment 4-E)

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

- Additional documents/forms:

Determination of Exemption (Attachment 4-E)



STEP 4: DOCUMENT SUBMITTAL REQUIREMENTS (CONT.)

Categorically Excluded Projects Subject to 58.5

[24 CFR 58.35(a)]

- Additional documents/forms:
 - *Part I Environmental Review Record* (Attachment 4-I)
 - *Statutory Checklist* (Attachment 4-C)
 - If **no** negative comments/compliance issues:
 - *Determination of Exemption* (Attachment 4-E)
 - If negative comments and/or compliance issues which have been resolved:
 - *Notice of Intent to Request Release of Funds* (Attachment 4-F) with signed/notarized affidavit of publication
 - *Request for Release of Funds and Certification* (Attachment 4-H)

STEP 4: DOCUMENT SUBMITTAL REQUIREMENTS (CONT.)

Activities Requiring an Environmental Assessment (EA)

[24 CFR 58.36]

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



ENVIRONMENTAL REPORT APPROVAL

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

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



IMPORTANT AREAS FOR REVIEW

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

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



HISTORICAL AND ARCHEOLOGICAL REVIEW

IMPORTANT NOTE

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



IMPORTANT INFORMATION: HISTORIC AND ARCHEOLOGICAL REVIEW(S):

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



FLOODPLAIN MANAGEMENT

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



MANMADE HAZARDS

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



IN CONCLUSION.....

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



CONTACT INFORMATION:

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QUESTIONS?

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