

# **CDBG-HOUSING ENVIRONMENTAL REVIEW MANUAL**

**WISCONSIN DEPARTMENT OF ADMINISTRATION  
DIVISION OF ENERGY, HOUSING AND COMMUNITY RESOURCES (DEHCR)**



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## **ENVIRONMENTAL REVIEW**

All projects completed with CDBG funds are subject to provisions of the National Environmental Policy Act of 1969 (NEPA). This Act establishes national policies and procedures for protecting, restoring and enhancing environmental quality. Relevant regulations are found in 24 CFR Part 58 “Environmental Review Procedures for Entitles Assuming HUD Environmental Responsibilities”. Sections 58.10 through 58.14 require Grantees (local governments receiving funds) to assume the responsibility for environmental reviews. As a result, the Grantee has a legal responsibility for meeting all environmental review requirements stated in the CDBG contract.

The CDBG grant recipient must prepare an Environmental Review Record (ERR). The ERR is the compilation of all assessment narratives, checklists, maps, photographs, and agency correspondence for all activities funded in whole or in part with CDBG funds. DOA/DEHCR cannot release CDBG contract funds until the environmental review process is complete, and an award and contract are in place.

Exceptions to the above are:

1. Activities “exempt” by definition (see below)
2. Categorical exclusions [58.35(b)] not subject to NEPA Section 58.5

The Environmental Review must cover all activities related to the CDBG project. The definition of “activity” in 58.2 includes both actions funded with CDBG assistance and with other funding sources which are part of the same project. Section 58.32 states that “A recipient must group together and evaluate as a single project all individual activities which are related either geographically or functionally”. This means that non-federal funds are therefore subject to federal environmental rules and procedures.

The flowchart “Environmental Review Procedures” found in attachments is your overall guide through the process. It provides references to 24 CFR Part 58. The other attachments are explanatory material or forms which apply in various states of the procedure.

Please note that 58.14 and 58.5 require the grant recipient to involve federal, state and local governments (including environmental agencies) and the public in the preparation of environmental reviews. This requirement can be met by consulting with them at two specific points in the review process (see below).

The first step in the environmental review process (see flow chart, attachment 1), is to classify the proposed activities as either exempt, categorically excluded, or subject to an environmental assessment. Correct classification is important because this determines the procedures and time required.

### **1.0 EXEMPT ACTIVITIES**

Exempt activities are defined in 58.34 (a)(1)-(11) (see attachments). Exempt activities have no impact on the physical environment. They are primarily administrative or service-oriented in nature and, by themselves, do not require extensive environmental review.

However, exempt activities are almost always part of a larger project that is subject to a more extensive review. In the event that a project really is exempt, the recipient need only document in writing its determination that the project is exempt. Cite the applicable section of 58.34 (a)(1)-(11). The “Statement of Activities” form in the ERR should be used to document the determination. Attachment 4 should also

be completed and placed in the file. A recipient does not have to submit a Request for Release of Funds (“RROF”) and certification for exempt projects.

A letter stating that the project is entirely exempt from further regulation under 24 CFR 58 should be signed by the Chief Elected Official of the municipality and sent to DOA/DEHCR. After the normal contract and Letter of Credit procedures have been completed, the Grantee may request funds from DOA/DEHCR. Absolutely all the documents mentioned in the process must be included in the ERR.

## **2.0 CATEGORICALLY EXCLUDED ACTIVITIES**

‘Categorically excluded’ are those 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 Sec. 58.2(a)(3)] in which a normally excluded activity may have a significant impact). Categorically excluded activities are defined in 58.35. Categorical exclusions are of two types:

1. Categorical exclusions subject to the statutory checklist (Sec. 58.5 [(58.35(a))]). These activities are categorically excluded under NEPA and are subject to review under authorities listed in Sec. 58.5. In general, they include:
  - a. Reconstruction or rehabilitation of public facilities when the facilities 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)
  - b. Removal of architectural barriers that restrict mobility and accessibility to elderly and handicapped people
  - c. 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 4 units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland
    - ii. In the case of multifamily residential buildings:
      - Unit density is not changed more than 20 percent.
      - The project does not involve changes in the land use from residential to non-residential; and
      - The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation
    - iii. An individual action up to four dwelling units, where there is a maximum of 4 units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between
  - d. Acquisition of any existing structure or acquisition of vacant land provided that the structure or land acquired will be retained for the same use
  - e. Combination of the above activities

2. Categorical exclusions not subject to the Statutory Checklist (Sec. 58.5). These categorically excluded activities do not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in Sec. 58.5 These projects include:
  1. Economic development activities not involving construction or expansion
  2. Operating costs for other activities; affordable housing pre-development costs; activities to assist homeownership, including down payment and closing cost assistance

Procedurally, these activities are equivalent to “exempt” activities. No public notice is required. In the unlikely event that a project would consist exclusively of such activities, the Grantee would only need to complete the Statement of Activities citing the appropriate section of 58.35 (b) and complete the Determination of Environmental Status (see attachments).

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 to a property (but have no impact on the physical environment), are also categorically excluded activities not subject to compliance with the Statutory Checklist.

**Grantees with categorically excluded activities subject to the statutory checklist (Sec. 58.5 [(58.35(a)) must complete:**

1. The **Statement of Activities**, which lists all the activities and how they are classified under 24 CFR 58.35. Be specific, using the complete citation (58.35 (a)(3),(a)(4), etc.
2. The **Statutory Checklist**, which assures that the CDBG project is coordinated with federal laws and authorities (24 CFR 58.5). This is done by downloading the appropriate supporting documentation from the agency website for each regulatory area that applies to the project. *If further review/information is needed, follow the instructions on the agency’s website. If needed, contact the appropriate agency directly via email address or phone listed in Agencies’ Contact Information in the respective ER Program Implementation Responsibilities sections (starting on P. 11).* Only contact an agency if you determine the project will affect one of the areas in the Statutory Checklist. Contact with federal or state agencies should only take place if projects are found to have concerns after reviewing the initial information in the Statutory Checklist and on the agency’s website links.

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 documentation method and from which agency each response was obtained. Based on the documentation obtained and/or responses received, the project will either be considered *Exempt* or require further review.

If **no** negative comments (or no comments) are received, and if there are no circumstances requiring further compliance (such as asbestos removal, radon mitigation, 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 a potential impact may occur, or that further action is either recommended or required (such as a historic review, floodplain or endangered species), the

responsible entity **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 responsible entity 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 responsible entity must publish the *Notice to Request Release of Funds (Attachment 5A)*.

1. Complete the Environmental Review Record using the instructions found in attachment section:
  - a. Cover Page
  - b. Table of Contents
  - c. Project Description
  - d. Statement of Activities, listing activities and giving specific citation from 24 CFR 58.35 (a)(1)-(6) and 58.35 (b)(1)-(6)
  - e. Statutory Checklist
  - f. Field Notes Section
  - g. Include supporting documentation, including copies of maps, correspondence, a floodplain map, wetlands map, noise calculation documents, project plans, any additional information which provides evidence for the summaries and conclusions
2. Publish Notice of Intent to Request Release of Funds (NOIRROF)
3. Obtain signed and notarized affidavit of publication of NOIRROF from newspaper

The Grantee must also send copies of the notices to any agencies that were consulted directly (as a result of an issue found while consulting the agency's website) immediately after local publication of notices.

After the 7-day local review period has passed, the Grantee will send to DOA/DEHCR:

- a. the complete ERR
- b. Request for Release of Funds and Certification (Attachment 6)
- c. Copy of the published NOIRROF with a signed and notarized affidavit of publication

After a subsequent 15-day DOA/DEHCR review period, a letter of Environmental Certification/ Release of Funds or Environmental Certification/Conditional Approval will be issued by DOA/DEHCR if the notices and request for release of funds were properly executed.

However, if comments were received stating there is a potential impact on the environment, or that further action by the CDBG Grantee is recommended or required, then the Grantee must attempt to resolve the issue with the party making the claim. This resolution must be documented in the ERR. If resolution is not made, the Grantee should contact DOA/DEHCR to discuss the options available.

This implementation handbook contains examples showing the format for publishing the single Notice of Intent to Request Release of Funds (NOIRROF) notice (Attachment 5A). This should be used for projects

classified as Categorically Excluded subject to 58.5, where issues required follow up with regulatory agencies, as well as the calculation of the required 24-day review period.

If the notices and request for release of funds were properly executed, DOA/DEHCR will send the Grantee a letter of Environmental Certification. If a contract has been executed, this will be a letter authorizing Release of Funds; if not, it will be a letter of Conditional Approval, with release of funds contingent upon execution of the contract. In either case, the letter may state conditions which will have to be satisfied as part of the grant activities.

### **3.0 ENVIRONMENTAL ASSESSMENT**

All CDBG projects that are not exempt or categorically excluded are subject to the full review procedures mandated in the National Environmental Policy Act (NEPA).

Activities requiring an environmental assessment are generally all those activities which will establish new or significantly enlarged facilities or services: A new multi-family apartment building, for example. Grantees should assume that, if their activities cannot clearly be defined as exempt or categorically excluded, they are subject to preparation of an assessment.

The Grantee must prepare an Environmental Assessment document for the total project, including related actions not funded by CDBG funds. Use the document, Environmental Reviews at the Community Level, Format ERR II, Environmental Assessment.

Just as with categorically excluded projects, the Grantee is asked to coordinate the CDBG EA project with other federal laws and authorities (see 24 CFR Part 58.5). The first step is to follow the procedure described in the implementation manual on categorically excluded activities (i.e., statement of activities, statutory checklist, etc.). The 2<sup>nd</sup> step is to complete the Environmental Assessment Checklist, discussed below.

After analysis, the Grantee will make an "Impact Certification" finding which will state that either:

1. The release of funds is an action significantly affecting the quality of the human environment. In this case a Notice of Intent to File an Environmental Impact Statement would have to be published, and an Environmental Impact Statement (EIS) would have to be prepared. This is a lengthy, detailed process and we recommend that Grantees who have reached this finding contact DOA/DEHCR for consultation on further procedures
2. The release of funds is **not** an action significantly affecting the quality of the human environment (the more common finding). In this case, complete the Environmental Assessment Checklist then proceed to the publication of public notices

#### **3.01 Use of Prior Environmental Assessments**

Grantees may be awarded grants in consecutive years. A Grantee may use the EA prepared for its initial grant to meet the environmental conditions of a subsequent grant if the following conditions are met:

1. The original EA stated that the grant was for multi-year activities

2. The Grantee has not made substantial changes in the nature, magnitude or extent of the project, including new activities not anticipated in the original scope of the project and its cost
3. There are no new circumstances or environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued
4. The Grantee has not selected an alternative not considered in the original EA
5. The original Finding of No Significant Impact (FONSI) is still valid
6. If the FONSI is still valid, the data or conditions upon which it is based have not changed

Please contact DOA/DEHCR's environmental desk for further guidance if you wish to use this procedure to meet your environmental responsibilities.

### **3.02 Preparation of the Environmental Assessment**

In order to determine whether a given project will or will not have a significant impact on the human environment, the Grantee must complete the EA document. This includes both the Statutory Checklist and/or Field Notes portion of the document, plus the Environmental Assessment Checklist. When complete, the final document will include a detailed analysis of the potentially significant issues identified in both the Statutory Checklist and the Environmental Assessment Checklist, plus recommendations for project modifications, safeguards, or mitigation measures.

The EA Checklist covers major impact areas of regulatory concern, many of which will have already been reviewed summarily in the statutory checklist. The major purpose of the checklist is to identify and analyze categories of potentially significant impact at a level appropriate to the scale of the project. The EA checklist can expedite the environmental review process by avoiding wasted energy in data collection and report writing. If used correctly, it will expedite the environmental review process and assist you in identifying those areas where potential problems may exist.

It should be noted that some questions are best answered by making a visit to the project site (in particular questions 4, 5, 7, 8, 10, 11, 12, and 13 lend themselves to a site visit). The EA Checklist calls for sources or contacts to be identified which have contributed to the decision in a specific area. They may be done in the space provided and by attaching notes that indicate sources or contacts, and which describe considerations made. On the last page of the checklist the analyst is asked to look back over the individual decisions made and draw conclusions for further actions, which include possible project modifications, impact categories requiring more study, and mitigation measures needed.

Based on the conclusions of the EA checklist, the preparer will state his or her findings as to whether or not the request for the release of funds for the project will constitute an action significantly affecting the quality of the human environment. When in doubt as to the meaning of a specific question, contact DOA/DEHCR.

### 3.03 Publication of Environmental Assessment Notices

Part 58 calls for the local publication of notices which give the public an opportunity to comment. There are two:

1. The Notice of Finding of No Significant Impact (“FONSI”)
2. The Notice of Intent to Request Release of Funds (“NOIRROF”)

Both notices are required for projects for which Environmental Assessments have been prepared.

A combined FONSI and NOIRROF notice is the quickest and easiest method to satisfy the two-notice requirement. Calculate the mandatory 32-day local and DOA/DEHCR review periods for a combined notice. DOA/DEHCR considers the date following the day of postmark as the date of receipt. If there are public comments or objections, the Grantee must respond to them and place both comments and responses in the ERR.

Remember that for projects determined to be *Categorically Excluded* under part 58.35, only one notice is required, the NOIRROF.

Immediately after local publication of notices, the Grantee will send copies of the notices to any agencies where additional review required direct contact with the agency during the review process. After the local review period has passed, the Grantee must send the entire EA, a copy of the notice with a signed and notarized affidavit of publication, and the Request for Release of Funds and Certification [Form HUD 7015.15 (9-92)] to DOA/DEHCR.

If the notices and RROF were properly executed, DOA/DEHCR will send the grant recipient a letter of Environmental Certification. If a contract has been executed, this will be a letter authorizing the release of funds. If not, it will be a letter of Conditional Approval, with release of funds contingent upon execution of the contract. In either case, the letter may state conditions which will have to be satisfied as part of the grant activities.

To summarize, for activities requiring an Environmental Assessment, the following items comprise the Environmental Review Record (or file):

1. Documentation of compliance with 24 CFR Part 58.5 (the Statutory Checklist and field notes sections of the ERR form). The forms entitled ERR may be used to satisfy this requirement, including, when applicable, correspondence with DOA/DEHCR Environmental Desk, and any other agencies that required additional beyond the initial steps in the field notes section.
2. An Environmental Assessment (section II of the ERR form), including correspondence as indicated above
3. Copies of the Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF), and a signed and notarized affidavit(s) of publication
4. Copy of Request for Release of Funds and Certification (HUD 7015.15 9 92)
5. Copies of all public comments and the recipient’s responses
6. List of any additional agencies for which the notice was submitted

## **4.0 TIER METHOD FOR THE ENVIRONMENTAL REVIEW RECORD (ERR)**

CDBG Grantees with activities classified as Categorically Excluded, or activities requiring an Environmental Assessment (EA) may choose to “tier” their environmental reviews. The tier method allows a community to proceed with its project activities without having identified every project site beforehand. Most CDBG Grantees make use of the two-tiered approach.

The first tier analyzes a project's activities overall and covers broader or general matters. This tier comprises the ERR. In contrast, the second tier provides subsequent narrower environmental analysis of issues at a specific site. The site-specific second tier analysis incorporates the general discussions and conclusions of the broader environmental review. Any areas not documented for specific properties, such as historic preservation or floodplain analysis, will be reviewed for compliance documentation in the second tier. Tier reviews are also recommended for multiple year projects. Tiered reviews require a single notice publication, unless, upon conclusion of a second-tier review of the specific site, there is a significant change in the anticipated findings, or there is a finding of significant impact to the human environment (these instances require further review).

The notices for both the Categorically Excluded projects and the Environmental Assessments should provide the public with a summary of the anticipated outcomes of the second tier. The Finding of No Significant Impact (FONSI) with respect to the broader, Tier I assessment, shall include a summary of the second-tier assessment and identify the significant issues to be considered in site specific reviews. To repeat subsequent site-specific reviews will not require notices or a Request for Release of Funds unless the Certifying Officer determines that there are unanticipated impacts or impacts not adequately addressed in the prior review.

General Procedures:

### Tier 1

1. Fill out a copy of the Tier 1 ERR Report form (last attachment) including the Project Description, Project Classification, Statement of Activities, Statutory Checklist, Field Notes section, Environmental Assessment Section for the entire project area.
2. Attach a map of the entire project area site
3. Review the sections of the Statutory Checklist and Field Notes sections applicable to the Tier 1 review (see P 9 for directions). Contact any agencies where initial web review requires follow up. Include all documentation and correspondence with the Environmental Review Record for submission to DEHCR.
4. Complete the Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF). Submit to newspaper for appropriate publication time.
5. Email a copy of the NOIRROF to any agency that was contacted directly due to further follow-up with environmental review.
6. Email a copy of the full Environmental Review Record and supporting documents, a copy of the Affidavit of Publication, the newspaper listing, and Request Release of Funds (Form 7015.15) to DEHCR Environmental Desk (DOAEnvironmentalDesk@wisconsin.gov).

## Tier 2

1. Fill out a copy of Attachment 7, the Statutory Checklist, for each property funded under the community's grant. A copy of this form should be placed in each project file along with supporting documentation for each entry in the Checklist. (See Manual P. 10 for directions on completing each section for Tier 2.) Contact agencies listed in the specific sections if issues arise or additional review is needed. Contact DEHCR Environmental Desk with specific questions on any issues if needed.
2. Attach a map of the project area site.
3. Each individual project file should include a list of activities, and an address for the project property.
4. Second Tier Reviews of Historic Properties:
  - a. Most second-tier reviews concern the effects of rehab on potentially historic properties, i.e., those 50 years of age or older. When a project includes this potential effect, submit a completed copy of Attachment 10 (the Initial Project Review Form) to DOA/DEHCR. No work should occur on any structure funded under the CDBG program until approval by DOA/DEHCR is received and all other 2<sup>nd</sup> Tier aspects of the review are complete.
  - b. If any new ground-disturbing activities are planned, a copy of Attachment 11 (Archeological Review) should be completed and submitted to DOA/DEHCR.

## 5.0 PROBLEMS TO AVOID

1. Incurring costs before environmental certification - there are some exceptions but contact DOA/DEHCR if you have any question about eligibility. In general, no costs which are associated with the physical project (i.e., labor costs, materials, etc.) can be incurred before the environmental certification
2. Not explaining a Finding of No Significant Impact (FONSI) adequately in either the Format II Environmental Assessment or the public notices - Stating that there will be no significant impacts is merely restating the finding, not explaining it. Reference should be made to the likely beneficial impacts and how adverse impacts are either not present or can be mitigated.
3. Not documenting and explaining conclusions and findings
4. Not responding to comments received during the public notice period

## 6.0 ER PROGRAM IMPLEMENTATION RESPONSIBILITIES

### 6.01 Statutory Checklist

Each project file should contain a project-specific completed copy of the **Statutory Checklist**.

## **6.02 Historic Review Procedures**

Attachment 8 details the steps to be taken when reviewing individual projects for potential historic impact.

For each property that is 50 years or older, and where the proposed work is not found on the Exempt from Historic Review list you must complete an Initial Project Review Form and submit it to DOA/DEHCR, which will determine whether additional historical review is required.

Failure to properly complete the Initial Project Review form may result in delays. Please provide ALL requested information, including lists of proposed 'exempt' and 'non-exempt' activities. Photos should depict a full view of the building under review, especially the full front of the building. Close-ups of work areas are helpful.

If your community is rural or unincorporated, include the Township, Range and Section on the Initial Project Review form. If no other address is available, the accuracy of information you supply makes a difference in how long it takes to review your project.

If you have questions about any aspect of the historic review process, please call DOA/DEHCR Environmental Desk at 608-264-6158 or email: [DOAEnvironmentalDesk@wisconsin.gov](mailto:DOAEnvironmentalDesk@wisconsin.gov).

Any projects that propose demolition, relocation, new construction, capital improvements and/or ground disturbance must be reviewed. No work other than activities listed as exempt shall be undertaken until DOA/DEHCR has had an opportunity to review the property to determine its eligibility for inclusion in the National Register of Historic Places. This review can take up to 30 days.

Special review procedures are used for communities with intensive surveys that have been approved by the WI Historical Society. Please contact DOA/DEHCR for specific instructions.

NOTE: DOA/DEHCR has negotiated a Programmatic Agreement with the Wisconsin Historical Society, in effect as of July 2013. The procedures may require consultation with the Advisory Council on Historic Places and changes in project design. In these cases, such consultation will require assistance from Grantees to gather historical information. Please read Attachment 8 to better understand the review process.

## **6.03 Archeological Review**

All new construction projects require archeological review. If a project causes new ground disturbance, you must complete an Archeological Review form (Attachment 8). Accurate location descriptions, clear photos, and maps will help speed the review process. The review process is similar to that of historic properties. DOA/DEHCR will determine whether projects affect sites eligible for listing on the National Register, and whether adverse impacts will occur, and whether an archeological survey is required.

## **6.04 Coastal Zone Management**

Grantees proposing rehab or new construction projects on sites in coastal zone erosion areas should submit projects to the Regional Planning Commission which has jurisdiction in the Grantee's community for review. Coastal zone erosion areas include:

1. Areas along or adjacent to Lake Michigan or Lake Superior shoreline, or
2. Along rivers or streams that drain into either lake, or
3. Areas within two miles of either shoreline

Grantees 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 is provided on the [WCMP website](#).

## 6.05 Wild and Scenic Rivers

Grantees are discouraged from rehabbing sites that front on riverbanks of the Upper and Lower St. Croix and Wolf rivers, and along riverbanks that are found on Attachment 14 or on the [National Wild and Scenic Rivers System website](#). Document project location compared to Wild and Scenic River Systems through the website and save a map in the project file. If the Grantee desires to undertake such projects, consult with the National Park Service via contacts listed on the web link. Contact DEHCR to inform them of NPS consultation.

## 6.06 Runway Clear Zones

Grantees must consult with HUD Airport Hazard Guidance if any property is found in runway clear zones, in accordance with Attachment 15: <https://www.hudexchange.info/environmental-review/airport-hazards/>. Document if a project is within 15,000 feet of a military airport or 2500 feet of a civilian airport with a map showing site location and the closest airports. A mapping tool for airport locations can be found at [EPA runway clear zone data](#).

## 6.07 Manufactured Hazards or Manmade Hazards

Grantees must determine whether leaking underground 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.

Manufactured hazards include exposure to hazardous chemicals, via the air, soil, and water, as well as risks to life and property through proximity to railroads and other industrial activities. Air-borne hazards include releases of chemicals from aboveground 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 manufactured hazards. Sites located within one-quarter mile of industries using or storing hazardous chemicals are generally not suitable, due to the risk of chemical exposure. Housing sites where new construction is to occur must be evaluated to determine whether such hazards exist. In addition, active railroads are another kind of manufactured hazard, which exposes residents of nearby sites to risk through railroad accidents. Such sites should be avoided wherever possible. Links below are useful in determining various types of hazards that may be near the project location as well as a link to HUD's guidance on safe distances to above ground storage tanks and when hazards are important for rehabilitation projects vs new construction:

- [Hud Exchange Info on Explosive and Flammable Hazards](#)
- [HUD Exchange info on Site Contamination](#)

- [EPA Webpage for Hazardous Waste Cleanup Locations by Community](#)
- [DNR Webpage for Brownfields](#)
- [DATCP Petroleum Storage Tanks](#)

## 6.08 Noise

According to 24 CFR Part 51, Subpart B, noise standards were established to encourage noise control at the state and community level. In order to determine whether sound levels at a given location are acceptable, HUD has adopted the use of a day-night average sound level (DNL) descriptor. An acceptable level is one in which the DNL does not exceed 65 decibels (dBs). DNLs above 65, but not in excess of 75 dBs, are unacceptable unless measures are taken to mitigate (lessen or minimize) the noise. Typical sources of excessive noise are roadways, railroads, airports and stationary noise sources such as factories.

1. **Roads:** Generally speaking, a major highway means an interstate or other comparable highway, truck routes in urban areas, U.S.-numbered highways, state-numbered highways, and principal streets within cities. Local access streets in residential districts are not major highways. If the project site is located within 1,000 feet (approximately 0.2 miles) of a major highway, then it is necessary to conduct a noise assessment. HUD’s electronic Day/Night Noise Calculator can be used to make calculations of traffic noise exposure. It can be found at the following address: [HUD day night noise calculator](#)

Traffic counts - the number of cars and trucks using the road in a 24-hour period are required to complete the noise calculator. To obtain the necessary data, contact DOT at [traffic.counts@dot.wi.gov](mailto:traffic.counts@dot.wi.gov) and request the following:

- car, medium truck, and heavy truck data for busy streets/highways near project address
- day/night counts to calculate night fraction (% traffic from 10pm to 7am)
- information to determine speed limit

Remember that traffic counts do not exist for all streets. When counts do not exist, obtain a traffic count closest to the location of the facility. Not all count locations include medium and heavy trucks. If this information is not listed, calculate as follows.

Functional Road Category	Car Urban	Car Rural	Medium Truck Urban	Medium Truck Rural	Heavy Truck Urban	Heavy Truck Rural
<b>Interstate highways, freeways, and expressways</b>	89%	80%	2%	3%	9%	17%
<b>Major and minor arterials</b>	92%	87%	4%	4%	4%	9%
<b>Collectors</b>	92%	95%	4%	1%	4%	4%
<b>Local roads and streets</b>	98%	99%	1%	0.4%	1%	0.6%

Contact the Environmental Review desk at 608/264-61 if you have further questions.

2. **Railroads:** HUD’s electronic noise calculator includes railroad noise. If an active track is located within 3000 feet of the project site, the track must be included in the noise calculation. The principal factors in measuring railroad noise are the distance from the project site to the tracks, the number of trains per day, the speed of the trains, the average number of engines and cars for each train, and whether there are any intervening buildings to moderate the noise. This information can be obtained from the nearest freight agent of the railroad. Abandoned tracks, or railroad lines with less than daily service, are not considered to be significant noise sources and do not need to be included in the noise

calculation. Hud guidance on how to find the train noise needed for the calculator can be found at [HUD rail noise data instructions](#) and the actual rail crossing data can be found at [Rail crossing data](#)

- Airports:** If a civil or military airport is within 5 miles of the project site and has scheduled jet traffic, the airport noise must be added to the noise calculator. The most critical factors in assessing airport noise are the number of scheduled jet flights, the portion of which are night flights, and the distance of the project site from the flight path. The number of non-jet flights is not a factor in this calculation. The airport manager may be able to supply this information to you, or you can find the information at [airport noise data](#). Type the name of the city in the search feature, then find your airport. Open the report under print 5010. This should provide the needed information.
- Stationary Noise Sources:** Some factories and industrial facilities are noise sources as well. The distance from the project site to the noise source (within 1000 feet), the hours of operation of the industrial facility, and whether there are any intervening buildings to moderate the noise must be considered.

If noise levels are above 65 dBs, noise attenuation is required for new construction. For rehabilitation sites, grantees are encouraged to work with property owners to consider and include noise abatement measures as a part of the project. Consult HUD's noise abatement resources [Noise Abatement and Control - HUD Exchange](#) and HUD's noise abatement calculator at [BPM Calculator - HUD Exchange](#).

## 6.09 Floodplain Management

Use of CDBG funds for substantial rehab (defined as costing 50% or more of the before-rehab market value of the structure) on properties in the 100-year floodplain is discouraged by federal regulations. Where such cases are unavoidable, please contact DOA/DEHCR for assistance. The Grantee's initial responsibility is to record the Flood Insurance Rate Map number (FIRM) for each such property. The floodplains for most sections of Wisconsin have been mapped by the Federal Emergency Management Agency (FEMA), through its Flood Insurance Rate Map (FIRM) program. Flood maps are available on-line at the following address: [FEMA floodplain map portal](#). NOTE: Flood insurance will be required, in situations where funds originate from DOA/DEHCR, for one year from the date on which the loan is made. If a resident is unable to afford the cost of insurance, the Grantee may purchase it. Owners and/or tenants must be notified if the property lies in a 100-year floodplain. Finally, the CDBG Small Cities program will fund rehab of such properties one time only. If a residence is subsequently flood-damaged, the program will not pay for the same repair costs a second time.

Restrictions apply to the disposition of multi-family properties, including notification about local, state or federal floodplain regulations, and any land use restrictions that limit the use of the property. Critical actions (defined as any activity for which even a slight chance of flooding is too great because of the potential loss of life, injury or potential property damage) require notification of current and prospective tenants about the hazards and about the availability of flood insurance.

Executive Order 11988 requires federal agencies and recipients of federal funds to protect the values and benefits of floodplains, and to reduce risks of flood losses by not conducting, supporting, or allowing actions located in a floodplain unless it is the only practicable alternative. Whether a property is located in or near a floodplain depends on the nearness of drainage ways, streams, rivers or coastlines (in terms

of horizontal distance), the volume of water, and the relative elevation of the floodplain and the affected property. If such features exist within one mile of the property, the location of the 100-year floodplain must be determined using the FEMA Flood Insurance Rate Map.

**If a project is determined to lie within a 100-year floodplain, it may be necessary to find an alternative site.**

## **6.10 Wetlands Protection**

Grantees must obtain a permit from the Corps of Engineers before undertaking activities that affect wetlands. The term "wetland" refers to marshes, bogs, and other areas that are inundated at least seasonally. Other areas considered wetland are sloughs, wet meadows, river overflows and ponds. Avoiding such areas is strongly recommended. Wetlands in Wisconsin have been mapped by the DNR and are available on the Wisconsin DNR website: [DNR Website](#)

1. Is the project site located in a wetland area, or are there any ponds, marshes, bogs, swamps, or other wetlands within 500 feet of the project area?
2. If the project site is located in or near a wetland area, will your project result in fill (such as topsoil, gravel, etc.) being placed in the wetland, or will it result in greatly increased usage of the wetland? If the answer to either question is "yes," further technical analysis may be required to determine if mitigating measures are necessary.

Executive Order 11990 requires all agencies to refrain from supporting construction in wetlands whenever there is practicable alternative, to avoid either destroying or modifying wetlands. Adverse impacts include erosion or sedimentation, pollution through septic tank seepage, filling, and similar excessive or improper uses of the wetlands.

Selecting sites outside wetlands is essential for projects using federal funds, because Executive Order 11990 discourages federal agencies from initiating or participating in new construction within areas affecting wetlands.

Approximately 85% of the nation's wetlands are on or adjacent to floodplains. The procedures for fulfilling the requirements of Executive Order 11990 should be combined with and performed at the same time as the floodplain analysis under Executive Order 11988.

## **6.11 Water Quality**

The Safe Drinking Water Act of 1979 (42 U.S.C. 201, 300 (f) et seq., and 21 U.S.C. 349) governs activities which affect the water in the U.S. It requires that permits be obtained from the Corps of Engineers before dredging or filling of rivers, streams, lakes, or wetlands. This act also controls the discharge of effluents (such as treated sewage) into water. If any project plan includes such activities, contact DOA/DEHCR for assistance.

## 6.12 Solid Waste Disposal

Projects that substantially increase pressure on existing landfills, or that generate hazardous waste, are discouraged. Hazardous waste disposal must meet DNR regulations, and licensed carriers must transport and dispose of hazardous waste.

## 6.13 Endangered Species

If the project consists of new construction of any type, it must be reviewed by the U.S. Fish and Wildlife Service and the DNR to determine whether it would have an impact on endangered or threatened species. The address for U.S. Fish and Wildlife Service is [USFWS endangered species \(IPaC\)](#) DNR is [DNR endangered species review portal](#)

## 6.14 Farmland Protection

New construction activities that represent the first such intrusion into an area previously zoned agricultural are discouraged, and new construction should not occur on land zoned agricultural.

## 6.15 Air Quality

Grantees should refrain from projects that either increase the amount of air pollution (such as through greatly increasing automobile traffic), or which subject the residents to excessive levels of air pollution. Please consult [DNR air quality](#) if you have questions about this area.

## ENVIRONMENTAL REVIEW ATTACHMENTS

Attachments for this Environmental Review chapter are listed below. The forms and templates are available in editable or 'fillable' format on the [CDBG Housing Program website](#) at <https://energyandhousing.wi.gov/Pages/AgencyResources/CDBG.aspx> under the "CDBG Housing Program Quick Links" section.

- Attachment 01: Environmental Review Procedures
- Attachment 02: Combined Notice of Findings of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds
- Attachment 03: Request for Release of Funds & Certification (form 7015.15)
- Attachment 04: Statutory Checklist
- Attachment 04A: Compliance Worksheet
- Attachment 05: Steps in Historic Review Process
- Attachment 06: Activities Exempt from Historic Review
- Attachment 07: Initial Project Review Form
- Attachment 08: Archeological Review
- Attachment 09: Communities with Intensive Surveys
- Attachment 10: State Historical Society Requirement for Activities Other Than Rehab
- Attachment 11: Instructions for Completing the Format II Environmental Assessment
- Attachment 12: Tier 1 Environmental Review Record (Template)