

Welcome to the Environmental Review Training!

We'll begin at 1:30pm Central.

If you lose your connection, please completely back-out and re-enter via the meeting link you received.

If you didn't register but want to receive any/all follow-up announcements, please email DOACDBG@Wisconsin.gov and request to be added to the list.

Please:

- Mute your microphone,
- Turn-off your webcam, and
- Submit your questions using the meeting's CHAT feature.

We'll respond to questions after presenting the information on the slides.





Environmental Review

Preparation for Public Facilities,
Planning, and Cares Act Projects

Webinar: January 25, 2024



Agenda*

1:30pm – 1:35pm

Welcome & Introduction

Training Purpose & Goals

1:35pm – 2:15pm

Environmental Review Defined

Accessing Policy Handbook & Forms/Templates

Changes & Reminders

General Requirements

Environmental Review Process/Steps & Documents

2:15pm – 3:00pm

Q & A



**Times are approximate*

Training Purpose & Goals

- Provide guidance and instructions for the environmental review process for projects funded with a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) award or other grant award from the State of Wisconsin Department of Administration (DOA) Division of Energy, Housing and Community Resources (DEHCR)
- Give notice of changes and new environmental review requirements
- Define key terms (including defining a “Completed Environmental Review” for a CDBG Public Facilities (CDBG-PF) Program application)
- Provide an overview of the steps of the environmental review process

What is an Environmental Review?

- The process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state and local environmental standards.
- 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.

Policy Guidance & Forms/Templates

- Refer to Chapter 4: *Environmental Review of the CDBG Implementation Handbook* on the *Handbook* website for policy guidance and instructions: <https://energyandhousing.wi.gov/Pages/AgencyResources/CDBG-Implementation-Handbook.aspx>
- All current versions of our environmental review forms and templates are within Chapter 4 and the fillable versions are linked on the *Handbook* website (under the “Chapter Attachments/Fillable Forms” section).

Caution: DEHCR launched a new website in 2023. Sometimes the old webpages will come up in a web search. Be sure the pages you are accessing start with <http://energyandhousing.wi.gov> (**not** <http://doa.wi.gov>) in the website address.

Important Changes and Reminders

- All projects must complete an environmental review using DEHCR's current forms and following the current requirements.
- The Environmental Report (ER) Form (*Attachment 4-1* of the *Handbook*) has been updated with some new links and additional requirements.
- Other Chapter 4 “Attachments” linked on the *Handbook* website are also applicable, with some having recent updates (in 2023).

Note: An environmental review is required for CDBG Planning (PLNG) and Corona Virus (CV) projects but fewer forms need to be completed and the process is much shorter.

Required Completion Timing

- The unit of general local government (UGLG) may not commit any HUD assistance funds or non-HUD funds until the funding award is approved, and the ER has been approved – certified by the DOA-DEHCR Environmental Desk (i.e., no new construction, excavation, demolition, rehabilitation, repair, modification or property acquisition or commitment to undertake such activities is allowed prior to approval) [24 CFR 58.22]. Exceptions may be granted for “pre-agreement” costs (i.e., pre-award costs), if approved by DEHCR.
- DEHCR cannot release funds until the environmental review process is complete, an award is made, and an executed Grant Agreement is in place.

Definition of Completed Review

- An environmental review is considered complete when all requirements have been satisfied, including any required public comment periods and a Letter of Concurrence or Letter of Certification has been issued to the applicant/grantee by the DOA-DEHCR Environmental Desk.
- If applying for a CDBG Public Facilities (CDBG-PF) grant, in order to receive the 10 points for completion of the environmental review for the Project Readiness score, you must include the ER Letter of Certification in the PF application materials.
- If you are awarded a CDBG-PF grant, and your environmental review required you to submit a request for release of funds, that submission and the subsequent Authority to Use Grant Funds will be required and issued upon receiving a project Award Letter. (more about this later in the presentation)

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 project and Public Services project activities 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 1: Project Classification

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

- Includes replacement or rehabilitation of facilities that do not significantly change land use or capacity by more than 20%, 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

- **Exempt or Categorically Excluded, Not Subject to 58.5:** No In-depth Review Required.
- **Categorically Excluded, Subject to 58.5:** In-depth Review Required, including.
 - *Statutory Checklist* ([Attachment 4-C](#)); and
 - *Environmental Report (ER)* (Part 1 of [Attachment 4-I](#)).
 - Can take up to **30 days** for responses to requests for comment.
- **Environmental Assessment:** In-depth Review Required, including:
 - *Statutory Checklist* ([Attachment 4-C](#)); and
 - *Environmental Report (ER)* (Part 1 of [Attachment 4-I](#)); and
 - *Environmental Assessment (EA)* (Part 2 within [Attachment 4-I](#)); and
 - If *Finding of Significant Impact*, then an *Environmental Impact Statement* may be required. [Contact DEHCR Environmental Desk immediately.](#)

Step 2: Project Review

All Projects – Must Complete *Statement of Activities (Attachment 4-B)*

- Each activity must be classified; the *most restrictive* classification will then be the project’s overall classification.

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 Categorical 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> If applicable, specify: <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY> If applicable, specify: <u>[LABEL HERE]</u>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>
<SELECT ACTIVITY>	<SELECT SOURCE>	<SELECT>	<SELECT>	<SELECT>	<SELECT>	<SELECT>

Step 2: Project Review

Categorically Excluded, Subject to 58.5 and Environmental Assessment Projects – Must complete the *Statutory Checklist* ([Attachment 4-C](#)):

- Fill in each of the comment sections as well as the whether the project is compliant

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: <i>(Any letters, emails, telephone logs or printouts documenting agency contact must be attached.)</i>				
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	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> Website	Yes	No historic properties will be effected
Historic Properties: New construction <i>(Contact the DEHCR Environmental Desk)</i>	Consultation/Review Required	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input checked="" type="checkbox"/> Website	Yes	DOA DEHCR performed an archaeological review and determined there are no known archaeological sites within the project area and an archaeological survey is not required
Floodplain Management	Conditions and/or Mitigation Actions Required	<input checked="" type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Website	Yes	The project is within a special flood hazard zone. The local floodplain manager was consulted and erosion control measures will be followed during construction.
Coastal Areas Protection and Management	<SELECT STATUS>	<input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Website	<SELECT>	

Step 2: Project Review

All Projects – Must complete the Environmental Report (*Attachment 4-1*)

- How much of the Report must be completed is based on the project classification
- Categorically Excluded, Subject to 58.5 and Environmental Assessment projects must complete the Field Notes Checklist in the Report. Fill in check boxes, comments, and supporting documentation attached.

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?
36 CFR 800 Protection of Historic Properties <https://gov.ecfr.io/cgi-bin/ECFR>

Yes No

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: DEHCR Environmental Desk issued a Historical/Archaeological Clearance letter attesting that the project will have no historical impact

Supporting Documentation including sources: DEHCR SHPO letter is attached

Step 2: Project Review

Projects requiring Environmental Assessment – Must complete Part 2: Environmental Assessment Checklist in the *Environmental Report (Part 2 in Attachment 4-1)*.

- Consult HUD resources when completing these sections
- Fill in comments, not just “Impact Code”
- “Climate and Energy” and “Environment Justice” are ***new sections***. Climate Change alone has 16 resources listed to consult

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	3	While no major water sources are affected, project will increase paved/filled land by ½ acre, slightly increasing water runoff levels.
Vegetation, Wildlife	2	Project area is low quality animal habitat (non-native grasses and weeds), so no impact is expected
Other Factors	N/A	
CLIMATE AND ENERGY		
Climate Change Impacts	2	HUD’s Climate and Energy Guide was consulted along with several HUD-suggested resources. Future climate change effects are mitigated through energy efficiency and native landscaping.
Energy Efficiency	3	Energy impacts have been assessed using HUD resources. The most efficient energy consuming items will be used and installed in the project, mitigating energy consumption as much as possible

Step 3: Public Notice Requirements

- Some Categorically Excluded, Subject to 58.5 and all Environmental Assessment projects require publishing or posting a notice for specific public comment periods on the environmental review and its findings.
- The *CDBG Implementation Handbook* – Chapter 4 specifically outlines the requirements for comment periods. It is very important to allow for at least the minimum number of required days of the comment periods, which amount to **typically 23 or 32 days** respective to Categorically Excluded and Environmental Assessment.

Step 3: Public Notice Requirements (Continued)

- If you publish for too short a time, you will likely have to republish, which could drastically affect completing your review by the required deadline **for PF application submission**.
- In addition to publishing/posting the public comment period, if you reached out to a regulatory agency/organization specifically due to an issue you encountered while reviewing each section of the “Field Notes” in the *Environmental Report (Attachment 4-I)*, you must also send them notice of the comment period. See the *Notice of Intent (Attachment 4-F)*, or *Combined Notice of Findings and Intent (Attachment 4-G)*.
- **DO NOT** send letters/notice to agencies if you did not contact a specific individual due to an issue you discovered while reviewing their website.

Step 4: Document Submittal

- All project submittals should include all the appropriate forms discussed so far. What is submitted depends on the type of project (Planning, CV, PF, etc.), and the classification of the project based on project activities.
- Be sure all the forms are filled out completely (as mentioned in the above examples in **Step 2**)
- Include all maps, website documents, correspondence, and/or documented phone conversations to back up the decisions made in each step of “Field Notes” section of the Environmental Report

Environmental Report Approval

DEHCR Environmental Desk will issue via email:

- **Letter of Concurrence** for:
 - Planning (PLNG)-only or Public Services (PS) projects
- **Letter of Certification** for:
 - All other projects
- ***Authority to Use Grant Funds (HUD 7015.16)*** for:
 - **Awarded** Projects 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)*

Environmental Report Approval

- Reminder: In order to receive points for a completed Environmental Review for a CDBG-PF competitive application, you must have received a Letter of Environmental Certification from the DOA-DEHCR Environmental Desk and must submit the letter with your application materials.
- Environmental Report submissions are processed on a first come, first served basis. It is important to allow several weeks for DEHCR to process your Environmental Report, especially as the CDBG-PF application submittal deadline approaches.
- Contact the DOA-DEHCR Environmental Desk with questions/concerns at: DOAEnvironmentalDesk@wisconsin.gov



Important Areas for Review

The [*CDBG Implementation Handbook*](#) – [Chapter 4: *Environmental Review*](#) provides summary of the applicable laws and authorities along with explanations of how to complete each area of review.

Pay close attention to the areas below, as they often require additional review/consultation, which can add time to the review process:

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

Important Information: Historic and Archeological Reviews

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 Reviews

- Archaeological review is required for projects on any previously undisturbed land. Parcels smaller than 0.5 acres can be reviewed by DOA Environmental Desk. An Archeological Survey is required on previously undisturbed parcels of land 0.5 acres in size or larger.
- Buildings 50 years and older that are listed on the Wisconsin Historical Society's Wisconsin Historical Inventory are subject to extensive review by WHS architects.
- Contact DOAEnvironmentalDesk@Wisconsin.gov to initiate your Historical/Archaeological Review.



In Conclusion...

- Environmental review process is a 4-step process
- Use the *CDBG Implementation Handbook* – Chapter 4 and the Environmental Review Process flowchart ([Attachment 4-A](#)) to guide your review.
- Document all actions/decisions and maintain all records.
- Fill in all comment areas of the *Environmental Report* ([Attachment 4-1](#)) completely.
- Your environmental review is complete once you receive a Letter of Concurrence or Letter of Certification from DOA-DEHCR Environmental Desk.
- No CDBG funds can be committed or requested prior to the UGLG obtaining a *Letter of Concurrence* or a *Letter of Certification*, an *Award Agreement*, and *Authority to Use Grant Funds form (HUD 7015.16)*.

Questions?

Email: DOAEnvironmentalDesk@wisconsin.gov

and

DOACDBG@Wisconsin.gov