

## VI. ENVIRONMENTAL REVIEW

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#### A. INTRODUCTION

All NSP projects are subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), which establishes national policy and procedures for protecting, restoring and enhancing environmental quality. They are also subject to other statutes, Executive Orders and regulations dealing with a number of specific environmental concerns, such as historic preservation, floodplains, wetlands, noise and others. NEPA is intended to:

- (1) improve decision-making by ensuring that all relevant information is considered and
- (2) make that information available to the public.

Regulations are found in the Environmental Review Procedures for Entitles Assuming HUD Environmental Responsibilities - 24 CFR Part 58 (Attachment 16). Sections 58.10 through 58.14 require grantees (local governments receiving funds) to assume the responsibility for environmental reviews. Grantees can meet their responsibilities by familiarizing themselves with the areas addressed by environmental review and providing DHCD with accurate information about project sites. The Grantee has a legal responsibility for meeting all environmental review requirements stated in the NSP contract.

## B. THE IMPORTANCE OF ENVIRONMENTAL REVIEW

### **Local Units of Government Receiving NSP:**

The NSP grant recipient must prepare an ENVIRONMENTAL REVIEW RECORD (ERR). The Environmental Review Record (ERR) is the compilation of all assessment narratives, checklists, agency contacts and responses, maps and photographs for all activities funded in whole or in part with NSP funds.

The Department of Commerce (COMMERCE) and the Division of Housing and Community Development (DHCD) cannot release NSP 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. (see page 4)

## C. WHAT THE ENVIRONMENTAL REVIEW MUST COVER

The Environmental Review must cover all activities related to the NSP project. The definition of "activity" in 58.2 includes both actions funded with NSP 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...":

## D. THE ENVIRONMENTAL REVIEW PROCESS

The flowchart "Environmental Review Procedures" (Attachment 1) 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 at various stages 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.

The first step, from the flow chart, is classifying the proposed activities as exempt, categorically excluded, or subject to environmental assessment. Classify the activities properly, as this determines the procedures and time required.

## 1. Exempt Activities

Exempt activities are defined in 58.34 (a)(1)-(11) (see Attachment 16). Exempt activities have no impact on the physical environment. They are primarily administrative or service-oriented in nature.

The listed exemptions are almost always part of a larger project that is subject to a more extensive review. If a whole 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 an RROF and certification.

However, 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 DHCD. After the normal contract and Letter of Credit procedures have been completed, the grantee may request funds from DHCD. **Absolutely all the documents mentioned in the process must be included in the ERR.**

Due to the additional analysis requirements for properties over 50 years of age, a recipient could **NOT** qualify projects requiring historical review as exempt or categorically excluded converted to exempt.

## 2. Categorically Excluded Activities

'Categorically excluded' 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 Sec. 58.2(a)(3)] in which a normally excluded activity may have a significant impact. Categorically excluded activities are defined in 58.35 (Attachment 16). Categorical exclusions are of two types:

- a. Categorical exclusions subject to Sec. 58.5 [(58.35(a))]. These activities are categorically excluded under NEPA, but may be subject to review under authorities listed in Sec. 58.5 (the Statutory Checklist). In general, they include:
  - 1) 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).
  - 2) Removal of 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:
    - Unit density is not changed more than 20 percent (multi-family buildings, commercial, industrial, and public buildings).
    - The project does not involve changes in land use from residential to non-residential.

- 4) An individual action on a one- to four-family dwelling.
  - 5) Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.
  - 6) Combinations of the above activities.
- b. 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:

- \* economic development activities not involving construction or expansion;
- \* operating costs for other activities;
- \* affordable housing pre-development costs;
- \* activities to assist homeownership, including downpayment 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 (page VI-87) citing the appropriate section of 58.35 (b) and complete the Determination of Environmental Status (Attachment 4).

Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and downpayment 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 must complete pages VI-83 through VI-90 and VI-100 of the ERR document (Attachment 17), including:

- a. 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.
- b. The Statutory Checklist, which assures that the NSP project is coordinated with federal laws and authorities (24 CFR 58.5). This is done by writing appropriate state and federal agencies and asking them to comment on the NSP project. Agencies which you will need to contact will vary with each project. To determine which to contact, review Attachment 2, which will assist you in determining whom it will be necessary to contact. Attachment 3 contains mailing addresses.

If it is not appropriate for an agency to be contacted, the N/A box should be marked. If an agency was contacted but there was a positive comment or no comment made, it should be so noted. If comments were received stating there is a potential impact to the environment, or that further action by the NSP grantee is recommended, this should be noted. Copies of correspondence to and from these agencies should be attached to the completed ERR.

NOTE: You must allow agencies a reasonable time (a minimum of 30 days) to reply to your request for project review or information before publishing notices. Do not publish notices until after this time period. If your written request was followed by a telephone call, document that in the ERR.

- c. When this is complete, the NSP grantee will take action based on comments received from the state and federal agencies contacted.
  - 1) If only positive comments (or no comments) were received:
    - \* Complete the Environmental Review Record (Attachment 17) using the instructions found on pages VI-80 through VI-82:
      - ⇒ Cover Page
      - ⇒ Table of Contents
      - ⇒ Project Description
      - ⇒ Statement of Activities, listing activities and giving specific citation from 24 CFR 58.35 (a)(1)-(6) and 58.35 (b)(1)-(6)
      - ⇒ Statutory Checklist
      - ⇒ Summary Page
      - ⇒ Include copies of supportive maps, correspondence, floodplain map, wetlands map, project plans, any additional information which provides evidence for the summaries and conclusions.
    - \* Publish Notice of Intent to Request Release of Funds (NOIRROF). See 3) for public notice requirements (below).
    - \* Obtain signed and notarized affidavit of publication of NOIRROF from newspaper.
    - \* Submit: (1) entire ERR, including copies of all support materials, (2) affidavit of publication, and (3) Request for Release of Funds and Certification (Attachment 6) to the DHCD Environmental Desk at the end of the local (7-day) review period.
  - 2) If comments were received stating there is a potential impact to the environment, or that further action by the NSP grantee is recommended/required, then the following must be done:

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

- a) 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 DHCD to discuss the options available.
- b) Second, public notice requirements must then be met. DHCD has examples showing the format for publishing the single Notice of Intent to Request Release of Funds (NOIRROF) notice (Attachment 5A) which should be used for Categorical Excluded projects as well as the calculation of the required 24-day review period.

Immediately after local publication of notices, the grantee must send copies of the notices to whichever of the agencies were consulted in the review. After the 7-day local review period has passed, the grantee must send to DHCD:

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

If the notices and request for release of funds were properly executed, DHCD 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, it may state conditions which will have to be satisfied as part of the grant activities.

### 3. Activities Requiring an Environmental Assessment

All NSP 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. Grantees should assume that, if their activities cannot clearly be defined as exempt or categorically excluded, they are subject to preparation of an assessment.

- a. The grantee must prepare an **Environmental Assessment** for the total project, included related actions not funded by NSP funds. Use the document, ***Environmental Reviews at the Community Level, Format entire ERR II, Environmental Assessment*** (Attachment 17).

- b. As part of the **Environmental Assessment**, the grantee is asked to coordinate the NSP Project with other federal laws and authorities (see 24 CFR Part 58.5). Follow the procedure described in the implementation manual on categorically excluded activities.
- c. After analysis, the grantee must make a “Level of Clearance Finding” which will say 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 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 DHCD for consultation on further procedures. Or,
  - 2) The release of funds is not an action significantly affecting the quality of the human environment (the more common finding). In this case proceed to the publication of public notices.

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

Occasionally, grantees will 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:

- The original EA stated that the grant was for **multi-year activities**.
- 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.
- 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.
- The grantee has not selected an alternative not considered in the original EA.
- The original Finding of No Significant Impact (FONSI) is still valid.
- If the FONSI is still valid, the data or conditions upon which it is based have not changed.

Please contact DHCD’s environmental desk for further guidance if you wish to use this procedure to meet your environmental responsibilities.

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

In order for the grantee to determine whether its project will or will not have a significant impact on the human environment, he/she must prepare the EA. The review procedure calls for the grantee to complete the ERR portion of the document (pages VI-83 thru VI-90), **plus** the **Environmental Assessment Checklist** (pages VI-93 thru VI-100). The final document should include a detailed environmental 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.

Assuming that a file of environmental information about your community already exists, the EA portion of the ERR can be completed in a few hours. No more than a day should be necessary even for those projects with many environmental effects. More time and effort may be needed when the checklist suggests the presence of potential impacts or where insufficient data is readily available. 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 contact 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.

The EA Checklist may be reproduced and used for multiple assessments. When in doubt as to the meaning of a specific question, contact DHCD.

**Contacts for Assistance**

Wisconsin Division of Housing &  
Community Development  
City or Village Public Works Department  
Village Hall and Town Hall  
Department of Planning and Zoning  
County Courthouses  
UW-Extension  
County Departments of Human Services  
Regional Planning Commissions  
Soil Conservation Service County Offices  
County Highway Departments  
Dept of Natural Resources District Offices  
Community Action Agencies

**For Help with (examples):**

General assistance with ERR, EA, noise,  
storage tanks  
Water & sewer  
Zoning  
Floodplains, utilities  
Zoning  
Farmland, planning  
Income and minority populations  
Coastal zone management  
Soils questions  
Traffic counts  
Wetlands, Contamination  
Minority Populations

## Publication of Environmental Assessment Notices

1. Part 58 calls for the local publication of notices which give the public an opportunity to comment. The types of notices are as follows:
  - a. The Notice of Finding of No Significant Impact (“FONSI”).
  - b. 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 (Attachment 5B) is the quickest and easiest method to satisfy the two-notice requirement. Calculate the mandatory 32-day local and DHCD review periods for a combined notice. We consider the date following the day of postmark as the date of receipt by DHCD. 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.

2. Immediately after local publication of notices, the grantee must send copies of the notices to whichever of the agencies listed on Attachment 3 are relevant. DHCD must receive a copy of the notice with a signed and notarized affidavit of publication. After the local review period has passed, the grantee must send the entire EA, a copy of the notice along with the Request for Release of Funds and Certification [Form HUD 7015.15 (9-92) Attachment 6] to DHCD.
3. If the notices and RROF were properly executed, DHCD 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, it may state conditions which will have to be satisfied as part of the grant activities.
4. For activities requiring an Environmental Assessment, the following items comprise the Environmental Review Record:
  - a. Documentation of compliance with 24 CFR Part 58.5 (the Statutory Checklist). The forms entitled ERR may be used to satisfy this requirement, including, when applicable, correspondence with DHCD Environmental Desk, Regional Planning Commissions, the U.S. Fish & Wildlife Service, and other authorities.
  - b. An Environmental Assessment (Attachment 17), including correspondence as indicated above.
  - c. Copies of Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF), or the Combined Notice, and a signed and notarized affidavit(s) of publication.

- d. Copy of Request for Release of Funds and Certification (HUD 7015.15 9-92).
- e. Copies of all public comments and the recipient's responses.
- f. Distribution list for the notice(s).

#### E. TIERING THE ENVIRONMENTAL REVIEW RECORD (ERR)

NSP grantees with activities classified as Categorical Excluded, or activities requiring an Environmental Assessment (EA) may choose to "tier" their environmental reviews. Tiering allows a community to proceed with its project activities without having identified every project site beforehand.

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, by reference, the general discussions (and conclusions) of the broader environmental review. Any areas not documented for specific properties, such as historic preservation, should receive compliance documentation in the second tier using Attachment 7. Tiering reviews are also recommended for multiple year projects. Tiered reviews require a single notice publication, unless, upon conclusion of a second tier review of 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 would require further review). Most NSP grantees make use of the two-tiered approach.

The notices for both the Categorical 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:

1. Fill out a copy of Attachment 7 (pages VI-39 and VI-40) for each property funded under the community's grant. A copy of this form should be placed in each project file.
2. Attach a map of the site.
3. Each individual project file should include a list of activities, and an address (for incorporated communities), or the Town, Range, Section and the quarter section description for sites within unincorporated areas.
4. The second tier should be mentioned in the public notice.

## Second Tier Reviews of Historic Properties:

5. 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 to DHCD. No work should occur on any structure funded under the NSP program until approval by DHCD is received
6. If any new ground-disturbing activities are planned, a copy of Attachment 11 (Archeological Review) should be completed and submitted to DHCD. Copies of notices (if any) should be sent to nearby Indian tribes.

## F. PROBLEMS TO AVOID

1. Incurring costs before environmental certification!! There are some exceptions, but contact Division of Housing and Community Development 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. Confusing exempt and categorically excluded activities. Almost **NEVER** will a whole activity be exempt. If the activity is mistakenly classified as exempt, there will be major deficiencies in the ERR, which in turn will require remedial work and suspension of funding until it is done.
3. Doing Environmental Assessments where they need not be done (for example when an activity is categorically excluded). This may be beneficial in providing more information to decision-makers and the public, but it may result in both delay and unnecessary expense.
4. 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.
5. Not documenting and explaining conclusions and findings.
6. Not responding to comments received during the public notice period.

## G. ENVIRONMENTAL REVIEW PROGRAM IMPLEMENTATION RESPONSIBILITIES

### **ALL NSP GRANTEES ARE RESPONSIBLE FOR COMPLETING:**

#### **Statutory Checklist**

Each project file should contain a project-specific completed copy of the Statutory Checklist (Attachment 7).

## Historic Properties

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 listed as Historical Activities Exempt from Historic Review (Attachment 9), you must complete an Initial Project Review Form (Attachment 10) and return it to DHCD. DHCD will determine whether additional historical review is required.

**Failure to properly complete the Initial Project Review form (Attachment 10) will result in delays. Please provide ALL requested information. It is essential that the proposed exempt and non-exempt worklists be included. Photos can be color or black and white, and depict a full view of the property (closeups can be added).**

If your community is rural or unincorporated, **you must include the Town, Range and Section.** The accuracy of information you supply makes a difference in how long it takes to review your project. If you have questions, please call **DHCD Environmental Review Desk at 608/267-2712.**

Any projects that will include demolition, relocation, new construction, capital improvements and/or ground disturbance must review Attachment 13. **No work other than activities listed as exempt shall be undertaken until there has been an opportunity to review the property** to determine its eligibility for inclusion in the National Register of Historic Places. The time needed for review is approximately 30 days. **NOTE:** A realtor's estimate of the building's age is not acceptable. A title abstract or similar documentation of the age must be used.

Special review procedures are used for communities with intensive surveys (found on Attachment 12). Please contact DHCD for specific instructions.

**NOTE:** DHCD has negotiated a new programmatic agreement with the Wisconsin Historical Society. In the event that a property address you have submitted is listed on the Wisconsin Historical Society's Architecture and Historic Inventory (AHI) database, DHCD will, with the assistance of the grantee, make a determination whether the property is eligible for inclusion in the National Register of Historic Places, and whether the activities you have proposed will have an adverse impact on the property. In this limited number of cases, DHCD may require considerable assistance from grantees to gather historical information about the property to enable DHCD to make its determination. Please read Attachment 8 to better understand the new review process.

## Archeological Review

If a project causes new ground disturbance and if the project cannot be characterized as repair, replacement, rehabilitation, or renovation, you must forward the proposed project to the Environmental Desk for archeological review. For each such project complete an Archeological Review form (Attachment 11). Accurate documentation helps to speed the review process. All new construction requires an archeological review. The review process is similar to that of historic properties. DHCD will determine whether projects affect sites eligible for listing on the National Register, and whether adverse impacts will occur.

## **Coastal Zone Management**

Grantees proposing rehab 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:

- areas along or adjacent to the Lake Michigan or Lake Superior shoreline, or
- along rivers or streams that drain into either lake, or
- areas within two miles of either shoreline.

## **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. If the grantee desires to undertake such projects, consult with DHCD.

## **Runway Clear Zones**

Grantees must consult with HUD Circular letter HD 85-8 and notify residents of any property found in runway clear zones, in accordance with Attachment 15.

## **Manufactured Hazards or Manmade Hazards**

Grantees must determine whether leaking underground storage tanks, hazardous waste facilities, toxic chemicals or radioactive materials or other potential public health and safety problems either directly or indirectly affect proposed project sites. A useful map and list of sites regulated by the Environmental Protection Agency, sorted by zipcode, is available at the following website address: [www.epa.gov/epahome/comm.htm](http://www.epa.gov/epahome/comm.htm). A list of contaminated sites can be found at: [www.dnr.state.wi.us/org/aw/rr/brrts/index.htm](http://www.dnr.state.wi.us/org/aw/rr/brrts/index.htm). If there is any question, consult with DHCD for assessment assistance.

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 with 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.

## **Noise**

General. 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 75dBs, are

unacceptable unless measures are taken to mitigate (lessen or minimize) the noise. Typical sources of excessive noise are highways, railroads, airports and stationary noise sources such as factories.

1. Highways. 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 considered to be 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. An important piece of information in making such an assessment is the traffic count--the number of cars and trucks using the highway in a 24-hour period. Traffic counts are often available either from a city's streets or traffic department, or from the State Department of Transportation, Planning and Budget Division, Data Development Section, 4802 Sheboygan Avenue, Madison, Wisconsin 53705. Phone: 608/266-3661. Traffic counts for major streets are also available from DHCD. Contact the Environmental Review desk at 608/267-2712. Traffic counts do not exist for all streets. When counts do not exist, it is necessary to get the traffic count closest to the location of the facility.
2. Railroads. 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.
3. Airports. 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 airport manager can supply this information to you. The number of nonjet flights is not a factor in this calculation.
4. Stationary Noise Sources. Some factories and industrial facilities are noise sources as well. The distance from the project site to the noise source, the hours of operation of the industrial facility, and whether there are any intervening buildings to moderate the noise must be considered.
5. The focus of the regulations is to determine the noise level of the actual location where the funded activity is to take place. In most cases, it is the interior noise level of a building that is of importance. If interior noise levels are determined to be excessive, then measures may be required to reduce the interior noise to an acceptable level.

#### Noise Standards

1. Is the project site located within 1,000 feet of a major road, highway, county trunk, truck route, state or federal highway, or urban business route? \_\_\_ Yes \_\_\_ No
2. Is the project site located within 3,000 feet of an active rail line (used as least daily)? \_\_\_ Yes \_\_\_ No

3. Is the project located within two miles of a general aviation, or military airport handling jet operations with scheduled air service? \_\_\_ Yes \_\_\_ No
4. Is the project site located within 1,000 feet of any other noise-generating source, such as an industrial plant? \_\_\_ Yes \_\_\_ No

If the answer to any of the above four questions is “yes,” then a potential noise problem exists which may require additional mitigation measures.

If rehab sites are located along roads with more than 10,000 vehicles per day, railroads with more than two trains per day, airports with scheduled jet service, or are adjacent to large stationary noise sources, grantees are encouraged to work with property owners to consider and include noise abatement measures as a part of the project. Consult with DHCD for recommendations on specific noise abatement measures.

### **Floodplain Management**

Use of NSP 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 DHCD for assistance. The Grantee's initial responsibility is to record the Flood Insurance Rate Map number (FIRM) for each such property. Contact either DNR district offices, local government emergency units or zoning offices for assistance in locating floodplain maps of your area. **NOTE:** Flood insurance will be required, in situations where funds originate from DHCD, 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 NSP 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 in Question 2 (below), as follows:

1. Are there drainageways, streams, rivers, or coastlines on or within one mile of the project site? \_\_\_ Yes \_\_\_ No

2. If yes, is the project site located in the 100-year floodplain? \_\_\_ Yes \_\_\_ No

FIRM Map #: \_\_\_\_\_ Effective Date: \_\_\_\_\_

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

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. Consult the map of your area. They are often available locally, through planning departments of local governments, regional planning commissions, public libraries, etc., or from the Department of Natural Resources, Water Regulation and Zoning, 6th Floor GEF II, Madison, Wisconsin 53702. Phone 608/266-8030. When making your determination, please note the map number and its effective date. Publications for free floodplain maps and studies on flood elevations for those locations participating in the National Flood Insurance Program may be obtained by calling toll-free 800/638-6620.

### **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.

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?  
\_\_\_ Yes \_\_\_ No
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 area, 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. \_\_\_ Yes \_\_\_ No

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.

### Floodplains and 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.

## **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 DHCD for assistance.

## **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 hazardous waste.

## **Endangered Species**

If the project consists of new construction of any type, it must be reviewed by the U.S. Fish and Wildlife Service to determine whether it would have an impact on endangered or threatened species. The address and website for U.S. Fish and Wildlife Service is listed on Attachment 3.

## **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.

## **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 with DHCD if you have questions about this area.

## **Thermal and Explosive Hazards**

The proximity of petroleum or chemical storage tanks to a proposed housing site is a regulatory. Many older neighborhoods in cities and towns contain industries which use or store such products. While fire safety codes generally assure safe operation and minimize these risks, at least for the short term, such sites may represent hazards to residents. Therefore, it is important that housing sites be evaluated carefully to determine whether such risk is present. Grantees should make every effort to avoid sites that place residents at risk. In general, sites within one-quarter mile of such a site, particularly when there are no intervening structures, are generally unsuitable for new housing development, or for substantial rehab projects (i.e., those whose value exceeds 50% of the before-rehab value of the house). The Department of Commerce maintains a list of above-ground and underground storage tanks. The lists can be accessed through the following website: [http://apps.commerce.state.wi.us/Er\\_Tanks/ER-EN-TankSearch.htm](http://apps.commerce.state.wi.us/Er_Tanks/ER-EN-TankSearch.htm).

Consult with DHCD for assistance in evaluating potential hazards.

**Please review Attachment 2 “Comparison with Federal Laws and Authorities” to see how these requirements will affect your project.**

### **RED FLAGS**

The following "red flag" issues are those most likely to occur in projects involving moderate or substantial rehab.

1. **Issue:** Property may be 50 years old or older.  
  
**What to do:** Determine exact age of building from title abstract or other document. Follow instructions on flow chart "Steps in Historic Review Process" (Attachment 8). Contact DHCD if further assistance is required.
  
2. **Issue:** Property is located near a river, lake, wetland or other body of water that is inundated at least seasonally.  
  
**What to do:** Determine whether site is located in 100-year or 500-year floodplain, is located in or adjacent to a wetland, lies in a designated coastal zone county (along either Lake Superior or Lake Michigan); and if near a river, whether the river is a designated "Wild and Scenic River" (see Attachment 14). Avoid such sites if possible. Contact DHCD Environmental Review Desk for further assistance.
  
3. **Issue:** Property is located near a commercial airport.  
  
**What to do:** Consult Attachment 15 to determine if proposed site is in Runway Clear Zone.  
  
**Recommendation:** Avoid such sites if possible. Contact DHCD if no alternatives exist.
  
4. **Issue:** Property is located within one-quarter mile of an industrial site using or storing flammable or explosive materials.  
  
**What to do:** Determine, if possible, the names of the materials used in the industrial facility. Contact DHCD Environmental Review Desk to determine whether site is located a safe distance from site.
  
5. **Issue:** Property is located near a busy highway or thoroughfare, airport, rail line, or other significant noise source.  
  
**What to do:** Contact DHCD to determine whether potential interior noise levels are excessive, and whether acoustical buffering is recommended.
  
6. **Issue:** Property is located near a manmade hazard, such as a hazardous waste facility, leaking underground storage tank, or other public health and safety hazard.  
  
**What to do:** Avoid such sites if at all possible. Contact DHCD for further instructions.

7. **Issue:** Project activity would take place on land zoned agricultural (new construction only).

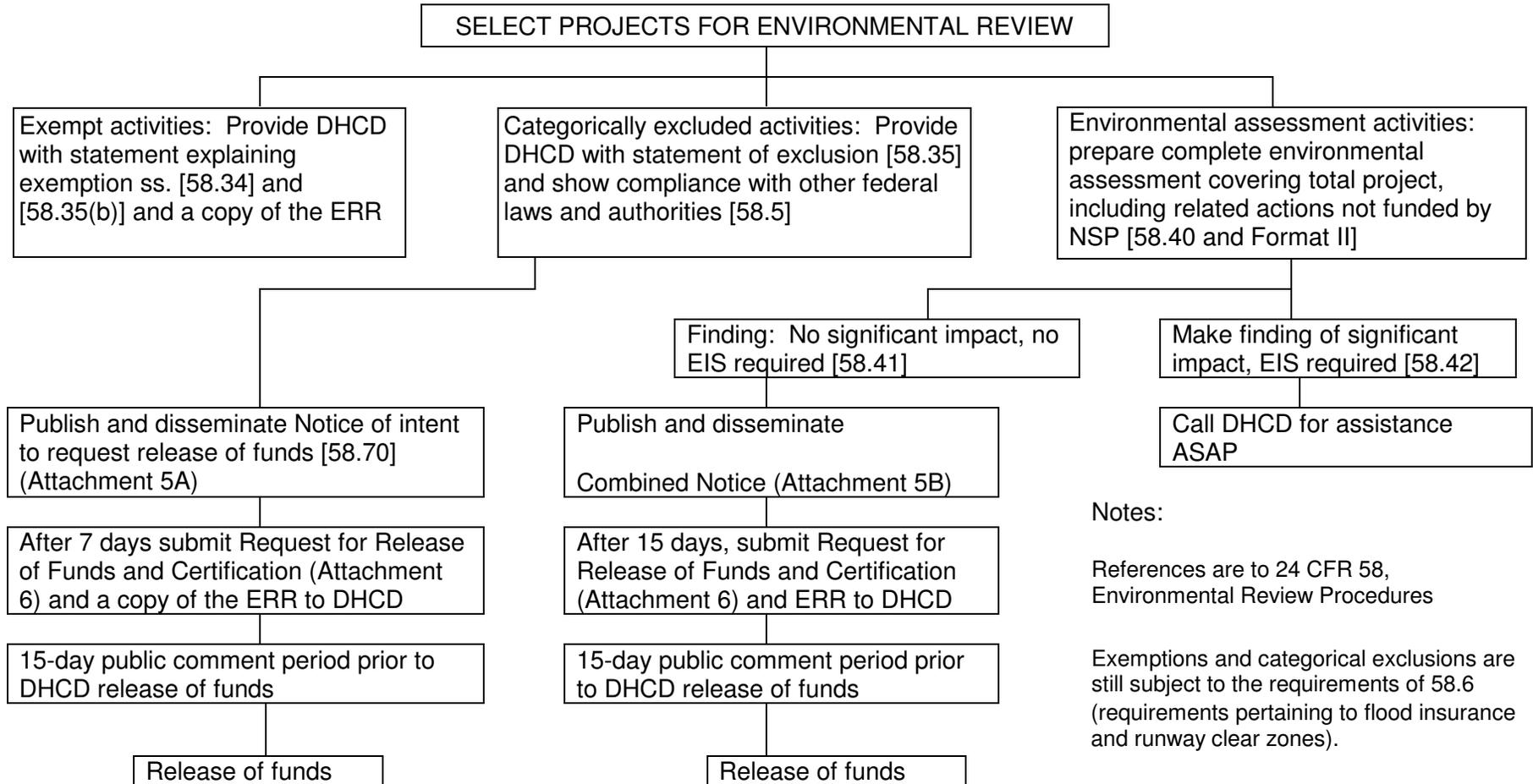
**What to do:** Avoid such sites if possible. Contact DHCD if no alternatives exist.

You may contact DHCD at the following phone number: 608/267-2712. All correspondence related to any of the above should be submitted to:

Environmental Desk  
Department of Commerce  
Division of Housing and Community Development  
P. O. Box 7970  
Madison, WI 53707-7970

# ATTACHMENT 1

## ENVIRONMENTAL REVIEW PROCEDURES FOR LOCAL UNITS OF GOVERNMENT



### Notes:

References are to 24 CFR 58, Environmental Review Procedures

Exemptions and categorical exclusions are still subject to the requirements of 58.6 (requirements pertaining to flood insurance and runway clear zones).

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>Historic Properties</u></b>				
National Historic Preservation Act, 16 U.S.C. 470 (f), Sections 106 and 110	36 CFR Part 1294, 36 CFR Part 800	All actions affecting properties on or eligible for National Register of Historic Places.	Protect sites, buildings, and objects with National, State, or local historic or cultural significance. Identify effects of project on properties.	<b>Note:</b> The DHCD Environmental Review Coordinator assumes the responsibility for Sec. 106 compliance.
E.O. 11593, Protection and Enhancement of the Cultural Environment.				
Archeological and Historic Preservation Act of 1974				
<b><u>Floodplains</u></b>				
E.O. 11988 Floodplain Management Guidelines (44 PR 47623)	24 CFR Part 55	Any action proposed for a floodplain.	Involve the public throughout the floodplain management decision-making process.	Department of Natural Resources Flood Hazard Boundary Map and/or Flood Insurance Rate Map
Flood Disaster Protection Act of 1973, as amended			Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.	Corps of Engineers Local Planning Agency
National Flood Insurance Program				<b>Website:</b> <a href="http://www.fema.gov/hazard/flood/info.shtm">http://www.fema.gov/hazard/flood/info.shtm</a>
HUD General Statement Policies				
<b><u>Wetlands</u></b>				
E.O. 11990, Protection of Wetlands (44 PR 47623)	24 CFR Part 55	Any construction action proposed for in a wetland.	Avoid direct or indirect support of new construction in wetland wherever there is a practicable alternative.	Department of Natural Resources

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>Coastal Zone Management</u></b>				
Coastal Zone Management Act 16 U.S.C. 1451-1464	15 CFR Part 930 44 FR 37142	Any proposed activity affecting areas covered by an approved coastal zone. Applies to counties bordering Lake Michigan and Lake Superior.	<p>Needed to meet requirements of categorical exclusions 58.35(b). Section 5 and 6 of the Act prohibit expenditures of federal funds within the Coastal Barriers Resources system. Ensure that projects are consistent with coastal zone program.</p> <p>HUD assistance may not be used for most activities proposed in the Coastal Barrier Resource System</p>	<p>Department of Administration Office of Coastal Zone Management Regional Planning Commission Coastal Zone Planner</p>
<b><u>Water Quality</u></b>				
Clean Water Act, 33 U.S.C. 12511376, et seq., Section 404	33 CFR Part 320325, 33 CFR Part 230	Any activity involving disposal or placement of dredged or fill material in navigable waters.	<p>The 404 permit program is administered by Corps of Engineers. EPA has authority to veto permit.</p> <p>Compliance with 208 plan.</p> <p>Projects cannot affect rivers, streams, lakes and wetlands, either by dredging, filling or discharging effluents.</p>	<p>Army Corps of Engineers Department of Natural Resources</p>
Water resources include any requirement related to fish and wildlife and scenic rivers				

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>Sole Source Aquifers</u></b>				
Safe Drinking Water Act U.S.C. 1413		<p>Federally assisted projects which may contaminate an aquifer designated by EPA as the sole source of drinking water for a community. No sole source aquifers in Wisconsin, per EPA.</p> <p>If capacity of a storm sewer is overloaded so runoff from the project cannot be accommodated = major impact.</p> <ul style="list-style-type: none"> <li>• For larger projects consider: storm water</li> <li>• Runoff pollution</li> <li>• Reduction of paved or impermeable areas</li> </ul> <p>Civil engineer should perform analysis to determine if the system for storm water is adequate.</p>	Prohibits financial assistance to projects which EPA determines may contaminate a designated sole source aquifer.	None required for projects occurring in Wisconsin, per EPA.
<b><u>Endangered Species</u></b>				
Endangered Species Act U.S.C. 1531, Section 7	50 CFR Part 402	Any action which might jeopardize continued assistance of endangered or threatened species or result in destruction or modification of critical habitat.	Federal agencies shall insure that their actions conserve listed species and ensure, in consultation with FWS, that their actions do not jeopardize listed species or modify critical habitat.	U.S. Fish & Wildlife Service Department of Natural Resources— <b>Website:</b> <a href="http://www.fws.gov/midwest/endangered/lists/wisc-cty.html">http://www.fws.gov/midwest/endangered/lists/wisc-cty.html</a>

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>Wild and Scenic Rivers</u></b>				
Wild and Scenic Rivers Act, 16 U.S.C. 1271 and 1278 (b)-(c)	President's Environmental Message, 8-2-79, CBQ Memorandum, 8-10-80, Interagency Consultation on Rivers in the Nationwide Inventory.	Rivers designated under the Act proposed activity affecting rivers on the Nationwide Inventory of potential wild, scenic and recreational rivers. Currently affects projects sited along Wolf River and Upper and Lower St. Croix Rivers, and numerous other river segments considered for inclusion in the Nationwide Rivers Inventory (1982).	<p>Preserve wild and scenic rivers. Assure that federal actions do not foreclose designation under the Wild and Scenic Rivers Act.</p> <p>Considers impact to Wild &amp; Scenic Rivers in relation to floodplains, wetlands, Safe Water Drinking Act, and endangered species.</p>	U.S. Department of Interior Department of Natural Resources Review proposed project on: National Wild & Scenic Rivers System Components - WI
<b><u>Air Quality</u></b>				
Clean Air Act 42 U.S.C. 7400 et seq., Section 176(c) and (d) (42 U.S.C. 7506(c) and (d)) and Section 117		Large stationary pollution sources.	Compliance with stationary source air pollution standards for major sources emitting 100 tons per year of a single air pollutant.	Department of Natural Resources
Determining conformity of federal actions to state or federal implementation plans (EPA 40 CFR Parts 6, 51 and 93)			Grantee refrain from projects that either increase air pollution (major increase in traffic) or expose residents to excessive levels of air pollution.	
		All actions, and actions in southeast Wisconsin EPA-designated non-compliance areas.	Screen to determine if site is in a location in violation of ambient air quality standard--assess impacts on project.	Department of Natural Resources Check Compliance or Non-Compliance area

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
NR 406	DNR	<ul style="list-style-type: none"> <li>• Installation of large fuel burning equipment</li> <li>• Demolition</li> <li>• Construction of new roads or parking area of over 1,000 cars</li> <li>• Sandblasting/paint removal, particularly water towers</li> </ul>	DNR administrative rule NR 406.	Contact the Air Management Specialist
<b><u>Farmland Protection</u></b>				
Farmland Protection Policy Act of 1981 7 U.S.C. 4201, (FPPA) et seq., particularly Sec. 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202)	7 CFR Part 658	<p>Any federally-assisted action which encourages the conversion of prime, unique, state/locally important farmlands.</p> <p>Land is defined urban use if any one is true:</p> <ul style="list-style-type: none"> <li>• density exceeds 30 structures per 40 acres; if land is urban use, FPPA does not apply.</li> <li>• the land is zoned for residential use.</li> <li>• land use plan adopted 10 years prior</li> </ul>	<p>Minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses.</p> <p>Prime Farmland:</p> <ul style="list-style-type: none"> <li>• Conversion Impact Rating Form AB-1006 from local Soil Conservation Service (SCC or DHCD); fill out and return to SCS and office will return determination in 45 days</li> </ul>	<p>Department of Agriculture, Trade and Consumer Protection</p> <p>Department of Commerce, Division of Housing &amp; Intergovernmental Relations Clerk's Office</p>

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>HUD Environmental Standards</u></b>				
Noise  HUD Regulation: Noise Abatement Control	24 CFR Part 51, Sub. B	All actions.	Determine if site is near a major noise source, i.e., civil airports (within 5 miles); or military airfields (within 15 miles); or major highways or busy roads (within 1,000 feet); or railroads (within 3,000 feet).  Compliance with special provisions for NSP projects required.	Department of Commerce, Division of Housing & Intergovernmental Relations ER Desk Department of Transportation Railroads Public Works
Thermal/Explosive Hazards	24 CFR Part 51, Sub. C	All actions.	Application and criteria for determining Acceptable Separation Distance (ASD). Minimize the impact of environmental hazards on HUD-assisted activities--chemical and radioactive materials, activities of flammable or explosive nature, aircraft hazards. If HUD requirements and hazard cannot be mitigated, project determination "NOT IN COMPLIANCE."	State and Local Emergency Government Office— <b>Website:</b> <a href="http://apps.commerce.state.wi.us/ER_Tanks/ER-EN-TankSearch.htm">http://apps.commerce.state.wi.us/ER_Tanks/ER-EN-TankSearch.htm</a>
Environmental Justice  Executive Order 12898. Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population, February 11, 1994			Help provide safe, healthy housing. Reduce disproportionate exposure to adverse environmental concerns especially in low-income neighborhoods and those with minority populations	

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<p>Toxic Chemicals and Radio Active Materials</p> <p>HUD Notice 79-33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, September 10, 1979</p>		All actions	<p>Check for general proximity (from proposed site) to: dumps, landfills, industrial locations.</p> <p>If HUD requirements and cited hazard cannot be mitigated to reach safety for human health project determination "NOT IN COMPLIANCE."</p>	<p>Department of Natural Resources/EPA Local Area for CERCLA</p> <p><b>Website:</b>  <a href="http://www.epa.gov/epahome/comm.htm">www.epa.gov/epahome/comm.htm</a>.                      Superfund/Spill Information Site List                      Owner/operators of Storage Facilities                      Local officials and state agencies for previous uses of site</p>
<p>Airport Clear Zones</p> <p>HUD Environmental Standards</p>	<p>24 CFR Part 51, Sub. D</p> <p>24 CFR Part 5</p>	All actions.	<p>Runway clear zone notification. All requirements in 24 CFR 51.303(a)(3).</p> <p>Financial assistance may not be provided in an area identified by FEMA as having special flood hazards unless flood insurance is obtained by property owner.</p> <p>Minimize the impact of environmental hazards on HUD-assisted activities--chemical and radioactive materials, activities of flammable or explosive nature, aircraft hazards. Zone notification 24 CFR 51.303(a)(3).</p>	<p>Check for proposed project site on Reference HUD Circular Letter HD 85-8, Purchase of Sale of Property in Runway Clear Zone</p> <p>Responsible entity advise buyer. Buyer must sign statement</p>

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>Manmade Hazards</u></b> HUD Notice		All actions	Avoid sites on, or adjacent to, leaking underground storage tanks, waste disposal sites or sites/facilities which may cause or threaten to cause environmental pollution and/or negatively impact human health.	Department of Natural Resources— <b>Website:</b> <a href="http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do">http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do</a>

\* See Attachment 3 for mailing addresses.

## ATTACHMENT 2

### COMPARISON WITH FEDERAL LAWS AND AUTHORITIES

Legislation	Regulation	Applicability	General Requirements	Coordination/Consultation*
<b><u>Solid Waste and Hazardous Waste Disposal</u></b>				
42 U.S.C. 6901-6987	40 CFR 257.3-1	All applicable actions.	<p>State or regional solid waste management is mandated for siting of sanitary landfills and the closing of open dumps.</p> <p>Prohibit hazardous waste disposal in a number of sensitive ecological areas (e.g., floodplains, sole source aquifers).</p> <p>Lead-based paint or asbestos.</p> <p>Will the solid waste disposal service/support proposed project developments.</p>	Department of Public Works Department of Natural Resources Private Contractors

\* See Attachment 3 for mailing addresses.

### ATTACHMENT 3

#### DISSEMINATION OF NOTICES

Copies of the Notice of Intent to Request Release of Funds (NOIRROF), must be sent to the following agencies or groups:

Environmental Desk  
WI Department of Commerce  
Division of Housing & Intergovernmental  
Relations  
P. O. Box 7970  
Madison, WI 53707-7970  
(HISTORIC PROPERTIES, NOISE,  
ARCHEOLOGICAL)

U.S. Environmental Protection Agency  
Environmental Review Branch  
Planning and Management Division  
77 West Jackson Boulevard  
Chicago, IL 60604

WI Department of Natural Resources  
District Office (see map)

U.S. Fish & Wildlife Service  
Attn: Louise Clemency  
2661 Tower Dr  
New Franken, WI 54229  
920/866-1717

U.S. Department of the Interior  
Attn: Sue Jennings  
National Park Service  
1709 Jackson Street  
Omaha, NE 68102  
402/221-3371  
(FOR COMMUNITIES LOCATED ON A  
DESIGNATED WILD AND SCENIC RIVER)

WI Department of Administration  
Office of Coastal Zone Management  
P. O. Box 7868  
Madison, WI 53707-7868  
608/266-8269  
(ONLY FOR COASTAL ZONE AREAS WHERE  
PROJECT REQUIRES ENVIRONMENTAL  
ASSESSMENT)

The local Regional Planning  
Commission.

WI Department of Agriculture, Trade and  
Consumer Protection  
Farmland Preservation Program  
P. O. Box 8911  
Madison, WI 53708-8911  
ATTN: Keith Foye  
(ONLY IF AG. LAND INVOLVED)

WI Department of Natural Resources  
Bureau of Integrated Science Services  
P. O. Box 7921  
Madison, WI 53707-7921  
608/266-6437

Department of the Army  
St. Paul District, Corps of Engineers  
General Regulatory Branch  
190 5th Street E  
St. Paul, MN 55101-1638  
612/290-5361  
(ONLY FOR SEC. 404 PERMITS)

All other federal agencies co-funding the  
activity.

Local news media.

Other local, county, special district government  
or authority, and state agencies believed  
appropriate by the applicant.

Individual groups to include lower income,  
neighborhood, or civil rights groups known to  
be interested in the applicants activities.

DNR FIELD DISTRICTS  
MAP

**ATTACHMENT 4**

*Determination of Environmental Status*

**To be used as a check in verifying whether the preparatiion of an Environmental Review Record is the correct procedure.**

Project Name: \_\_\_\_\_

Project Number: \_\_\_\_\_

*An Environmental Assessment required by 24 CFR 58.36 was not prepared for the above-named project for the following reason:*

\_\_\_\_\_ *The project is a continuation of a multi-year activity for which an Environmental Review was previously completed per 24 CFR 58.32 (d). The project has not substantially changed in its range or scope of activities, or its cost estimates. Environmental conditions have not been altered, no new circumstances which may affect the project have been discovered, and the recipient has not selected an alternative not considered in the project's original assessment.*

\_\_\_\_\_ *The project is an exempt activity not requiring any environmental review, as determined by 24 CFR 58.34 (a)(1)-(11).*

\_\_\_\_\_ *The project has been determined to be a categorical exclusion, but will not alter any conditions that would require a review or compliance determination under federal laws and authorities cited in 58.5. No Release of Funds process is required in accordance with 58.35 (b).*

## ATTACHMENT 5A

### NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

(DATE OF NOTICE)

(NAME OF RESPONSIBLE ENTITY)

(ADDRESS)

(CITY, STATE, ZIP CODE)

(TELEPHONE NUMBER OF RESPONSIBLE ENTITY)

On or about (**see Note #1**) the (**see Note #2**) will submit a request to the Wisconsin Department of Commerce – Division of Housing and Community Development for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as Community Development Block Grant (NSP), for the purpose of (**see Note #3**).

The activities proposed (**see Note #4**). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at (**see Note #5**) and may be examined or copied weekdays from ( ) A.M. to ( ) P.M.

#### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the (**see Note #6**). All comments received by (**see Note #7**) will be considered by the (**see Note #8**) prior to submission of a request for release of funds.

#### RELEASE OF FUNDS

The (**see Note #9**) certifies to the Wisconsin Department of Commerce – Division of Housing & Intergovernmental Relations that (**see Note #10**) in (*his/her*) capacity as (**see Note #11**) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The State's acceptance of the certification satisfies its responsibilities under NEPA and allows the (**see Note #12**) to use Program funds.

#### OBJECTIONS TO RELEASE OF FUNDS

The State of Wisconsin, Department of Commerce – Division of Housing and Community Development will accept objections to its release of funds and the (**see Note #13**) certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification was not executed by the Certifying Officer of the (**see Note #14**); (b) the (**see Note #15**) has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the State of Wisconsin; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Wisconsin Department of Commerce – Division of Housing and Community Development at P.O. Box 7970, Madison, WI 53707-7970. Objections to the release of funds on any basis other than those stated above will not be considered by the Wisconsin Department of Commerce – Division of Housing and Community Development. Objections received after (**see Note #16**) **will not be considered by the Wisconsin Department of Commerce – Division of Housing and Community Development.**

(**see Note #17**)

**Notes for Attachment 5A:**

1. Insert a DATE that is at least one day after the end of the comment period (Note #7).
2. Insert Grantee's name (e.g., The Village of Grantsville).
3. Insert nature/scope of project, estimated funding, and project location.
4. Insert either:  
**Alternative #1:** "are categorically excluded under HUD regulations at 24 CFR part 58 from National Environmental Policy Act requirements"  
-OR-  
**Alternative #2:** "comprise a project for which a Finding of No Significant Impact on the Environment was (published/posted) on (date of finding publication or posting)."
5. Insert name and address of grantee office where ERR can be examined, and name and address of other locations where the record is available for review.
6. Insert name of responsible entity office designated to receive and respond to comments.
7. If Notice is published, insert notice date plus seven days.  
If Notice is posted, insert posting date plus ten days.
8. Insert grantee name.
9. Insert grantee name.
10. Insert name of certifying officer.
11. Insert certifying officer's official title.
- 12-15 Insert grantee name.
16. Insert the last day of the 15-day comment period (Note #1 plus 15 days).
17. Insert name and title of grantee certifying officer.

**Schedule**

Day 1	Publication
Day 2-8	Public Comment Period
Day 9	Community makes a request for release of funds
Days 10-24	Objection Period
Day 25	Release of Funds

**ATTACHMENT 5B**

Publication Date: \_\_\_\_\_

COMBINED NOTICE  
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT  
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Unit of Local Government  
Address  
City/State/Zip

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about (**see Note #1**) the (**see Note #2**) will request the State of Wisconsin Department of Commerce, Division of Housing and Community Development (COMMERCE-DHCD), to release Federal funds under the Community Development Block Grant (NSP) Program created by the Housing and Community Development Act of 1974 for the following project:

Name of Project: \_\_\_\_\_  
Address of Project: \_\_\_\_\_  
City/County/State: \_\_\_\_\_  
Amount of Funds: \_\_\_\_\_

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the (**see Note #2**) has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for such decision are:

An environmental assessment has been completed and any adverse impacts can be mitigated through consultation with the appropriate laws, authorities, and agencies.

An Environmental Review Record respecting this project has been made by the (**see Note #2**) documenting the environmental review of the project and setting forth the reasons why such Statement is not required. This Environmental Review Record is on file at (**see Note #3**) and is available for public examination and copying upon request between the hours of 8:00 a.m. and 5:00 p.m.

No further environmental review of such project is proposed to be conducted prior to the request for release of Federal funds.

All agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the State to the above-mentioned address. Such written comments should be received at the address specified on or before (**see Note #4**). All such comments so received will be considered and the State will not request the release of Federal funds or take any administrative action on the project prior to such date.

The (**see Note #2**) will undertake the project described above with Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, under the Housing and Community Development Act of 1974. The (**see Note #2**) is certifying to HUD that the (**see Note #2**) and chief executive officer, in his/her official capacity as (**see Note #5**) consent to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval the (**see Note #2**) may use the Community Development Block Grant

funds and the (**see Note #2**) will have satisfied its responsibilities under the National Environmental Policy Act of 1969. COMMERCE-DHCD will accept an objection to its approval of the release of funds and acceptance of the certification only if: (a) the certification was not in fact executed by the chief executive officer or other officer of applicant approved by COMMERCE-DHCD; or (b) the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to: Wisconsin Department of Commerce, Division of Housing and Community Development, P. O. Box 7970, Madison, Wisconsin 53707-7970.

Objections to the release of funds on bases other than those stated above will not be considered by COMMERCE-DHCD. No objection received after (**see Note #6**) will be considered by COMMERCE-DHCD.

(**see Note #7**)

**Notes for Attachment 5B:**

1. The request for release of funds can take place as early as one day after the end of the 15-day comment period, which occurs immediately following publication. Insert a DATE that is at least one day after the end of the comment period.
2. Insert Grantee's name (e.g., Village of Grantville).
3. Insert name and address of grantee office where EA can be examined, and name and address of other locations where the record is available for review.
4. The comment period occurs immediately after publication. Insert DATE that is at least 15 days after the publication date (i.e., publication date plus 15).
5. Insert name of certifying officer's official title.
6. DHCD considers objections to the release of funds for a second 15-day period. The objection period can begin one day after the community makes its request. Insert DATE that is at least 15 days after Note #1.
7. Insert name and title of grantee certifying officer.

For clarification, review the schedule below:

**Schedule**

Day 1	Publication
Days 2-16	Public Comment Period
Day 17	Community makes request for release of funds
Days 18-32	Objection period
Day 33	Release of funds

## ATTACHMENT 6

### a. Assumes Combined Notice

Item		Commence	Expire	Item		Commence	Expire
Notice of Finding of No Significant Impact	Publication Date:			Notice of Intent to Prepare an EIS	Publication Date:		
	Comment Period:				Comment Period:		
Combined Notice: Finding of No Significant Impact and Intent to Request Release of Funds	Publication Date:	3/4/03		Draft EIS	Publication Date:		
	Comment Period:	3/5/03	3/19/03		Comment Period:		
Notice of Intent to Request Release of Funds	Publication Date:	3/4/03		Final EIS	Publication Date:		
	Comment Period:	NA	NA		Comment Period:		
Other (specify)				Other (specify)			
Request for Release of Funds Estimated by Recipient	HUD or State Decision Period: (Minimum period for approval)	3/21/03	4/4/03	Request for Release of Funds Actual by HUD or State	HUD or State Decision Period: (Minimum period for approval)		

### b. Assumes Categorical Exclusion

Item		Commence	Expire	Item		Commence	Expire
Notice of Finding of No Significant Impact	Publication Date:			Notice of Intent to Prepare an EIS	Publication Date:		
	Comment Period:				Comment Period:		
Combined Notice: Finding of No Significant Impact and Intent to Request Release of Funds	Publication Date:			Draft EIS	Publication Date:		
	Comment Period:				Comment Period:		
Notice of Intent to Request Release of Funds	Publication Date:	3/4/03		Final EIS	Publication Date:		
	Comment Period:	3/5/03	3/11/03		Comment Period:		
Other (specify)				Other (specify)			
Request for Release of Funds Estimated by Recipient	HUD or State Decision Period: (Minimum period for approval)	3/13/03	3/27/03	Request for Release of Funds Actual by HUD or State	HUD or State Decision Period: (Minimum period for approval)		

# 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 (11-30-94)

Public reporting burden for this collection of information is estimated to average 0.60 hour 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2506-0087), Washington, D.C. 20503.

Pursuant to Section 104(g) of Title I, Housing and Community Development Act of 1974, Section 17(l) of the U. S. Housing Act of 1937; Title IV of the Stewart B. McKinney Homeless Assistance Act; and Section 288 of the Cranston-Gonzales National Affordable Housing Act (NAHA).

1. Program Title(s) and OMB Catalog No(s):	2. HUD/State Identification Number:			
4. Name & Address of Recipient:	3. Recipient Identification Number:			
7. Date of This Request	5. For information on this Request, Contact:			
	6. Date of Latest Assistance Action:			
	<table border="1"> <tr> <td data-bbox="803 829 1089 871">Application Submission</td> <td data-bbox="1089 829 1357 871">Preliminary Approval</td> <td data-bbox="1357 829 1580 871">Grant Agreement</td> </tr> </table>	Application Submission	Preliminary Approval	Grant Agreement
Application Submission	Preliminary Approval	Grant Agreement		

## Part 1. Request for Release of Funds

8. HUD or State Agency & Office Unit to Receive Request:

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of grant conditions governing the use of the assistance for the following:

9. Program Activity/Project Name	10. Location (Street Address, City, County, State)
----------------------------------	--

11. Program Activity/Project Description

**Part 2. Environmental Certification**

**With reference to the above Program Activity/Project, I, the undersigned officer of the recipient, certify that:**

1. The recipient has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project named above.
2. The recipient has complied with the National Environmental Policy Act of 1969, as amended, and with the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5.
3. The recipient has taken or will take into account the environmental criteria, standards, permit requirements and other obligations applicable to the project or program activity under other Federal, State and local laws that the recipient has the direct responsibility to comply with.
4. For UDAG projects only, the recipient has provided the State Historic Preservation Officer and the Secretary of the Interior an opportunity to act with respect to properties which the recipient believes are affected by the project and are eligible for the National Register of Historic Places (Section 119(m), HCD Act of 1974, as amended).
5. 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.
6. The recipient has, prior to submitting this request for the release of funds and certification, published in the manner prescribed by 24 CFR 58.43 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies).
7. The dates upon which all statutory and regulatory time periods for review, comment or other action are indicated below and are in compliance with the procedures and requirements of 24 CFR 58.

Item	Commence	Expire	Item	Commence	Expire
Notice of Finding of No Significant Impact Publication Date: Comment Period:			Notice of Intent to Prepare an EIS Publication Date: Comment Period:		
Combined Notice: Finding of No Significant Impact and Intent to Request Release of Funds Publication Date: Comment Period:			Draft EIS Publication Date: Comment Period:		
Notice of Intent to Request Release of Funds Publication Date: Comment Period:			Final EIS Publication Date: Comment Period:		
Other (specify)			Other (specify)		
Request for Release of Funds HUD or State Decision Period: (Minimum period for approval) Estimated by Recipient			Request for Release of HUD or State Funds HUD or State Decision Period: (Minimum period for approval) Actual by HUD or State		

**As the duly designated certifying official of the recipient, I also certify that:**

1. I am authorized to and do consent to assume the status of responsible 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, decisionmaking and actions that have been assumed by the recipient.
2. By so consenting, I have assumed the responsibilities for the conduct of environmental review, decisionmaking and actions as to environmental issues, preparation and circulation of draft, final and supplemental environmental impact statements, and lead agency or cooperating agency responsibilities for preparation of such statements on behalf of federal agencies including HUD, when these agencies consent to such assumptions.
3. I am authorized to and to accept, on behalf of the recipient and personally, the jurisdiction of the federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the recipient.

Signature of Certifying Officer of the Recipient	Address
Title	

**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, 3729)

## ATTACHMENT 7

(A copy should be placed in file of each project funded under recipient's grant.)

### STATUTORY CHECKLIST

Project Address: \_\_\_\_\_  
 \_\_\_\_\_

#### AREA OF STATUTORY--REGULATORY COMPLIANCE

Environmental Issue	Property in Compliance if:	Compliance Status
Historic Properties	Property is less than 50 years old, or if activity is listed on "Activities Exempt from Further Review."	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Floodplain Management	Property not located in 100 year floodplain. F.I.R.M. _____	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Coastal Areas Protection and Management	Property not on a river or stream flowing into or within one-half mile of Lake Michigan or Lake Superior, or located on shoreline of either lake.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Wild and Scenic Rivers	Property not located on either the St. Croix or Wolf Rivers or National Wild and Scenic Rivers System Components - Wisconsin.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Runway Clear Zones, Clear Zones and Accident Potential Zones	Not listed on HUD Circular letter HD-85-8, 5/23/85.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Manmade Hazards	Not located on or adjacent to site of a previous chemical spill, leaking underground storage tank, Superfund site, industrial site..	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Noise	Project not within: 5 miles of civil airport; 15 miles of military airfield; 1,000 feet of busy roadway; 3,000 feet from railroad.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Wetlands Protection	Project site not located in an existing wetland or impacting on existing wetland. No direct or indirect effect.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Water Quality	Project causes no dredged or fill materials in navigable waters, including wetlands: preapproved general permit or no effect..	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Water Quality: Sole Source Aquifers	None in Wisconsin per EPA.	<input checked="" type="checkbox"/> Not Applicable to this Project: in Compliance

<b>Environmental Issue</b>	<b>Property in Compliance if:</b>	<b>Compliance Action</b>
Solid Waste Disposal Availability, Renovation and Demolition with Asbestos or Lead Based Paint	No hazardous waste is generated or no excessive pressure placed on existing landfills.*	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Endangered Species	No threats to either species or habitats.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Farmland Protection	Unique or protected farmland is not developed.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Air Quality	No permanent effect on air quality (construction dust excluded), if: NO DEMOLITION or installation of large fuel burning equipment.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Thermal and Explosive Hazards	Property not located or adjacent to an industrial facility that creates explosive or thermal hazard.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required
Toxic Chemicals and Radio Active Materials	Property not located on or adjacent to: past spill, Superfund site, old mine, hazardous industry.	<input type="checkbox"/> Compliance or NOT APPLICABLE <input type="checkbox"/> Consultation/Review Required <input type="checkbox"/> Conditions and/or Mitigation Actions Required

\* NOTE: Building components containing lead-based paint are not considered hazardous waste and may be disposed with other household waste, unless the lead-based paint is concentrated in the form of debris, paint chips, dust and sledge and exceeds the regulatory limit of 5mg/L lead in the waste leachate.

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

\_\_\_\_\_  
Grant Administrator/Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Grant Administrator/Print Name

**ATTACHMENT 7A**

**COMPLIANCE WORKSHEET**

***NOTE: This worksheet has been designed to assist grantees to determine whether a project is in compliance with environmental concerns found on the Statutory Checklist. It does not have to be included in the ERR or EA.***

**WATER/FLOODPLAINS/WETLANDS/ RIVERS**

Obtain a copy of the floodplain map depicting the proposed project location. Please include the map's Legend and Panel number(s). Avoid actions in a 100- or 500-year floodplain. If an action must occur in a 100-year floodplain, provide the required documentation to meet with HUD compliance. An 8-step flood-action-plan and a 32-day public notice may be required.

Is the project located on a lake, river, stream, or another body of water? (list names)

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Is the project located in a wetland or adjacent to a wetland?

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Is the water supply municipal or a private on-site well? If a public system is not available, will individual wells meet the Safe Drinking Water Act?

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List all lakes, rivers, streams, and wetlands within one mile of proposed site.

---

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**ENDANGERED SPECIES AND PLANT LIFE**

Will the project affect endangered species and, or, their habitats?

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**WASTE DISPOSAL**

Provide evidence of available solid waste disposal facility for proposed project waste disposal.

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**ZONING**

Provide the current zoning, and if a zoning change will occur, supply zoning change documentation.

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**NOISE - ROADWAY**

List roadways within 1,000 feet of proposed project (10,000, or more, vehicles per day)

Name of roadway \_\_\_\_\_

The distance from the road to proposed project site \_\_\_\_\_

The distance to the nearest traffic lane \_\_\_\_\_

The number of traffic lanes \_\_\_\_\_

The distance to the furthest traffic lane \_\_\_\_\_

The speed limit. \_\_\_\_\_

Distance to stop signs of traffic lights \_\_\_\_\_

**AIRPORTS/RUNWAY CLEAR ZONES AND CLEAR ZONES**

*(SEE NOTICE TO PROSPECTIVE BUYERS – attached)*

Cite public airports within five miles and military airports within 15 miles of the proposed project site.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOISE - RAILROADS**

When an active railroad is the only noise source within 1,000 feet, review only the 1,000 feet range. If more than one noise source exists, list active railroads within 3,000 feet of the proposed project site. Provide the following:

The distance from proposed project to railroad \_\_\_\_\_

If the distance is 1,000 feet, or less, obtain remaining info.)

The number of locomotives per train \_\_\_\_\_

The number of cars per train \_\_\_\_\_

The speed of train \_\_\_\_\_

The number of trains in a day \_\_\_\_\_

The number of trains at night \_\_\_\_\_

Is it a one-way track? \_\_\_Yes \_\_\_ No

Is it a two-way track? \_\_\_Yes \_\_\_ No

Number of train tracks \_\_\_\_\_

Is it a single track? \_\_\_Yes \_\_\_ No

Is it a double track?. \_\_\_Yes \_\_\_ No

Are the train tracks bolted? \_\_\_Yes \_\_\_ No

Are the train tracks welded? \_\_\_Yes \_\_\_ No

Provide a detailed description and photos of any existing noise barriers between the railroad and the proposed project site.

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**MANUFACTURED OR MANMADE HAZARDS**

List industrial plants or facilities within one-quarter mile of proposed project site, and locate them on the site map.

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List above ground storage tank facilities within one-quarter mile of proposed project site, and locate them on the site map.

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---

List chemical or pesticide related storage facilities/warehouses and farmer's Co-ops within one-quarter mile of site, and locate them on the site map.

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---

List landfills, hazardous waste disposal sites and superfund sites within one-quarter mile of the proposed project site.

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---

List Leaking Underground Storage Tanks (L.U.S.T.S.), Toxic or Chemical Spills or Radioactive materials (on or adjacent to site area) or Electromagnetic hazards (Information Line: 1 800-EMF-2383) within one-quarter mile of the proposed project site.

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**AIR QUALITY:**

(Ref: The Clean Air Act/Federal and State: 40 CFR Parts 6, 51, and 93)

Is the project located in a non-attainment zone? \_\_\_ Yes \_\_\_ No

NOTE: Southeastern Wisconsin counties (Kenosha, Racine, Milwaukee and adjacent suburban counties) are designated by the EPA as a non-attainment zone.

List industries, manufacturing, and processing plants (including quarries and mines within one-half mile of proposed project site) and locate them on the site map.

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If a hazardous industry or facility exists, provide the facility name, address, and contact person, if available, for the potential hazard.

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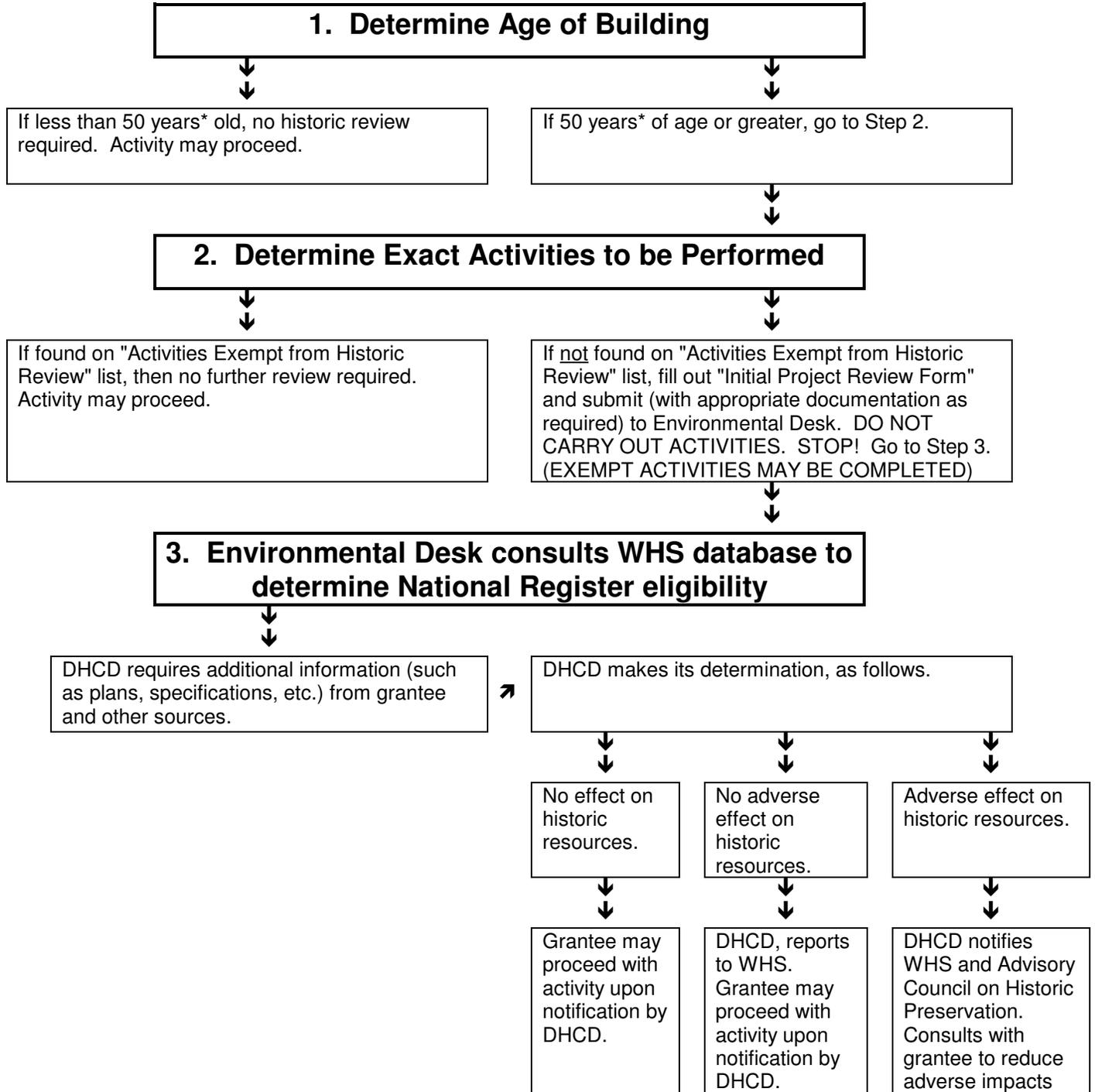
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# ATTACHMENT 8

## STEPS IN HISTORIC REVIEW PROCESS



\* **NOTE:** Review threshold is calculated as 50 years before current year.

## ATTACHMENT 9

### ACTIVITIES EXEMPT FROM HISTORIC REVIEW

*General Guidance: Any activity that repairs or replaces existing installations is generally permitted without review by the State Historical Society. Any activity that modifies or enlarges an installation may have an effect on its historic character and must be reviewed by the WHS. Note, however, that the replacement of an existing wheelchair ramp, as well as the replacement of existing landscaping features are activities that must be reviewed by the WHS.*

#### **Non-Construction Work**

1. Acquisition of properties when there is assurance by the Division that historic structures and buildings will be secured and protected from vandalism, arson, and the elements, pending their rehabilitation, disposal or reuse.
2. Architectural and engineering fees and other non-construction fees and costs.
3. Rental or purchase of vehicles or other motorized equipment.
4. Rental and installation of scaffolding.
5. Temporary bracing or shoring as part of stabilization, provided that it is installed without permanent damage to the building site.

#### **Site Work**

6. Installation of temporary, reversible barriers such as chain link fences and polyethylene sheeting and tarps.
7. Repair, line painting, resurfacing, and maintenance of existing streets, alleys, sidewalks, and curbs, provided that no change in width, surface, vertical alignment, or drainage will result.
8. Maintenance and repair of existing landscape features, including plantings, fences, walkways, and statuary. Note: Replacement of these features is considered to be new construction and is subject to SHS review.
9. Upgrading, replacement, and repair of existing utility service lines and sewer systems, including private septic and water systems, as long as work is confined to existing and disturbed rights-of-way.
10. Maintenance, repair, and in-kind replacement of street lights, traffic signals, and traffic signs.

#### **Building Exterior**

11. Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind and matches the appearance of the material being replaced.
12. Repair of existing wheelchair ramps, unless the ramps are to be substantially replaced. **Note:** Because ramps may significantly affect the appearance of a historic building, the replacement of ramps is considered to be new construction and is subject to SHS review.

13. Foundation repair and replacement of cast-in-place concrete.
14. Removal of exterior paint by non-destructive means, limited to:
  - Hand-scraping;
  - Low-pressure water wash, less than 600 psi;
  - Heat plates or hot air guns;
  - Chemical paint removers, if the cleaning contract requires that the chemicals be tested on the surfaces to ensure that no damage will result.

***Note that water washes, heat plates, hot air guns and chemical paint removers can be destructive to the building or harmful to the person removing paint. These methods should be used cautiously.***
15. Exterior painting of wood siding, features and trim.
16. Exterior painting of brickwork, if existing surfaces are already painted.
17. Repair or in-kind installation of roofing, gutters, and down spouts. The SHPO will not review color choices in roofing materials.
18. Window repair, including caulking and weather-stripping of existing window frames, installation of new, clear glass in existing sashes, and replacement glazing compound in existing sashes.
19. Installation of storm windows, as follows:
  - a. Glass and screen replacement in existing storm window units.
  - b. New wood or baked-enamel finished metal storm windows, installed on the exterior, provided that they:
    - Completely fill the original window openings with glazed window units;
    - Match the meeting rail (or other major division) pattern of the primary window;
    - Do not protrude beyond the face of the building.
  - c. New interior storm windows, provided that they:
    - Completely fill the original interior window opening with glazing;
    - Do not cause damage to the original interior trim;
    - Match the meeting rail (or other major division) pattern of the primary window;
    - Are designed to seal completely so as to protect the primary window from condensation damage.
20. Replacement of primary (non-storm) windows, provided that they:
  - Completely fill the original window opening with glazing;
  - Do not cause damage to the original interior trim;
  - Match the meeting rail (or other major division) pattern of the existing windows.

21. Installation of storm doors on elevations not facing streets, if the storm doors are undecorated and have a painted finish. *Decorated storm doors* include those with false metal hinges, scalloped windows, applied window muntins, and stamped metal to imitate framing members.
22. Caulking and weather-stripping with compatibly colored materials.
23. Repair or in-kind replacement of signs and awnings.

### **Building Interior**

24. Finishing of unfinished basements or attics.
25. Repair of existing interior walls. Note: This exemption applies to limited repair of wall surfaces only. Removal and replacement of entire wall surfaces, and reconstruction of walls is subject to SHS review.
26. Application of new drywall over plaster surfaces if:
  - Interior trim and features are removed and reapplied in original locations over the new drywall; and
  - No decorative plasterwork exists on the wall surfaces.
27. Repair and refinishing of interior floors.
28. Replacement of floors in-kind when original floors have been damaged beyond repair.
29. Installation of wallpaper.
30. Installation of carpeting, providing that installation does not damage any underlying wood, stone, or terrazzo floor surfaces.
31. Replacement of vinyl or similar floor coverings.
32. Repair or installation of new basement floors.
33. Kitchen and bathroom remodeling, if no walls, windows, or doors are altered.

### **Mechanical, Electrical, and Plumbing Systems**

34. Installation of new furnaces and water heaters, if:
  - The work utilizes the existing heat distribution system; and
  - Does not result in installation or relocation of chimneys or condenser units.
35. Upgrading, repair and replacement of electrical systems and plumbing systems and fixtures. Note: The removal of original electrical fixtures, such as lights, and the installation of new electrical fixtures is subject to SHS review.
36. Asbestos abatement activities that do not involve removal or alteration of interior decorative features.

**ATTACHMENT 10**

**INITIAL PROJECT REVIEW FORM**

**(to be submitted when properties are 50+ years old and activities are not exempt from review)**

Date: \_\_\_\_\_

County Where Project Located: \_\_\_\_\_ Age: \_\_\_\_\_

Project Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Requesting Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please complete and return form to: Environmental Desk  
COMMERCE, Division of Housing and Community  
Development  
P. O. Box 7970  
Madison, WI 53707-7970

I. ADMINISTRATIVE DATA

Program Category Name: \_\_\_\_\_ NSP

Subrecipient ID Number: \_\_\_\_\_ Contract #

Name(s) of Federal and/or State Agency(ies) Involved in Project:

Description of Project: Use the following procedure to describe the nature and extent of work involved in the proposed project:

1. Submit list of proposed work to be done.
2. Submit list of proposed work items which DO NOT appear on the Activities Exempt from Further Review list (Attachment 9).

II. ARCHITECTURAL/HISTORIC RESOURCES CHECKLIST

To the best of your ability, indicate if the Project site may impact property(ies) on the following lists:

- \_\_\_\_\_ National Register of Historic Places
- \_\_\_\_\_ Properties determined eligible for the National Register
- \_\_\_\_\_ State Register of Historic Places
- \_\_\_\_\_ Wisconsin inventory of historic places
- \_\_\_\_\_ Locally-designated historic property
- \_\_\_\_\_ Local intensive survey--see attached list of community surveys (Give name and date \_\_\_\_\_)
- \_\_\_\_\_ None of the above

III. PROJECT LOCATION AND MAPS

A. If the project is within an **incorporated** community, fill out this section:

\_\_\_\_\_  
\_\_\_\_\_

Location of Project \_\_\_\_\_  
(Village/City) (Town) (County)

Name of Project Map, if available: \_\_\_\_\_

[Note: If the project is within an incorporated area an accompanying City Map (such as a DOT map) is required for review.]

B. If the project is within an **unincorporated** area, fill out this section:

Township(s) \_\_\_\_\_ Range(s) \_\_\_\_\_ Section(s) \_\_\_\_\_

[Note: If the project is within an incorporated area a township map is acceptable, a 7.5" USGS Quad Map is most helpful, copies of quad maps (available from surveyor or planning offices) **must** include the map's name.]

IV. PHOTOGRAPHS

Please include clear 3 x 5 inch general photographs of each building 50 years or older and specific photos of areas in which work will be carried out. Photographs should be appropriately labeled (i.e., name of property, location of property, description of view, name of photographer and date photograph was taken.) All photographs must be keyed on the accompanying map.

[Note: Either black and whites or color photographs or Polaroids or colored copies are acceptable. Black and white photo copies are not acceptable. Photographs must be unobstructed, in focus and properly developed to be acceptable. Your project may be delayed if the photographs do not meet these requirements.]

**ATTACHMENT 11**

ARCHEOLOGICAL REVIEW

(to be submitted for projects in which new construction or other ground disturbance is proposed)

Date: \_\_\_\_\_

County Where Project Located: \_\_\_\_\_ Age: \_\_\_\_\_

Project Address: \_\_\_\_\_

Owner/Consulting Firm Name: \_\_\_\_\_

Requesting Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Please complete and return form to: Environmental Desk  
COMMERCE, Division of Housing and Community  
Development  
P. O. Box 7970  
Madison, WI 53707-7970

I. ADMINISTRATIVE DATA

Program Category Name: NSP

Subrecipient ID Number: Contract #

Name(s) of Federal and/or State Agency(ies), licenses, permits involved in project:

Description of Project: Use the following procedure to describe the proposed project:

1. Project area in acres, square feet, etc.
2. Describe nature and amount of prior ground disturbance (beyond normal agricultural activity) which has taken place in the project area, if any, and date(s) of occurrence is known.
3. Submit current land use and past land use(s) if known.

4. Quarter, quarter (or comparable legal description).
5. Site maps of the proposed development area and of the city, village, town or unincorporated area.
6. Include photo and other available documentation verifying previous ground disturbance such as installed sewer, water main, roads, and other existing properties.

II. PROJECT LOCATION AND MAPS

- A. If the proposed project is within an **incorporated** area, submit a City Map (such as a DOT map). Fill out this section:

Street address: \_\_\_\_\_  
 \_\_\_\_\_

Location of Project \_\_\_\_\_  
 (Village/City) (Town) (County)

- B. If the project is within an **unincorporated** area, submit a 7.5" USGS Quad Map; copies of quad maps (available from surveyor or planning offices) **must** include the map's name. Fill out this section:

Township(s) \_\_\_\_\_ Range(s) \_\_\_\_\_ Section(s) \_\_\_\_\_

Town(s) \_\_\_\_\_ County(s) \_\_\_\_\_

- C. The results of any consultation with a local constituency (local historical societies, tribal organizations, etc.).

IV. PHOTOGRAPHS

Please include clear 3 x 5 inch full view photographs of all structures (pumps, windmills, barns, houses, etc.) in the area(s) in which work will be carried out. Photographs should be appropriately labeled (i.e., name of property, location of property, description of view, name of photographer and date photograph was taken.) All photographs must be keyed on the accompanying map.

[Note: Either black and whites or color photographs or Polaroids or colored copies are acceptable. Black and white photo copies are not acceptable. Photographs must be unobstructed, in focus and properly developed to be acceptable. Your project may be delayed if the photographs do not meet these requirements.]

## ATTACHMENT 12

### COMMUNITIES WITH INTENSIVE SURVEYS

Communities which are permitted to check their own Intensive Surveys and notify the Division of Housing and Community Development.

City of Fond du Lac  
City of Manitowoc  
City of Marinette  
City of Merrill

Other Communities whose Intensive Surveys comply with Section 106 (Historic Preservation) Standards *(but which must submit properties to DHCD for review according to procedures outlined on Attachment 8)*

City of Ashland  
City of Berlin  
City of Chippewa Falls  
City of Eau Claire  
Village of Fish Creek  
City of Green Bay  
Village of Hartland  
City of Hudson/North Hudson  
City of La Crosse  
La Crosse County  
City of Markesan  
City of Menasha  
City of Menomonee Falls  
City of Menomonie  
City of Mequon  
City of Middleton  
City of Mineral Point  
City of Neenah  
City of New Richmond  
City of Oshkosh  
City of Portage  
City of Reedsburg  
City of Richland Center  
City of Ripon  
City of River Falls  
City of Sparta  
City of Superior  
City of Watertown  
City of Waukesha  
City of Wausau  
City of Wisconsin Rapids

## ATTACHMENT 13

### STATE HISTORICAL SOCIETY REQUIREMENTS FOR ACTIVITIES OTHER THAN REHAB

#### Demolition

1. The Division of Housing and Community Development (DHCD) may proceed with the demolition of properties which have been formally determined by the State Historic Preservation Officer (SHPO) as not eligible for listing on the Register, provided there will be no effect to other adjacent historic properties and/or districts.
2. Where demolition of a historic property is required to avoid or eliminate a significant public hazard as defined in Section 66.05, Wis. Stats., and/or a local ordinance, the DHCD will comply with the regulations outlined in 36 CFR Part 800.12 (b) and (c) pertaining to Emergency Undertakings.
3. Demolition of historic properties will be reviewed on a case-by-case basis by the DHCD and the SHPO. When such a review is necessary, the DHCD shall submit the following documentation to the SHPO as soon as the demolition is proposed:
  - a. A written description of the property.
  - b. The location of the property delineated on a land parcel or Land Use Quarter Section (LUQS) map.
  - c. The reasons for demolition (including adequate documentation of any building code violations) and an explanation as to why rehabilitation or preservation are neither prudent nor feasible.
  - d. Photographic evidence and a written description of the deteriorated condition of the building or structure to be demolished.
  - e. Photographs of each elevation and any significant architectural elements (interior and/or exterior) of the subject property.
  - f. The comments and recommendations of the DHCD's environmental review staff.
4. The SHPO will review the documentation within thirty (30) working days after receipt of adequate documentation and will concur or object in writing to the proposed demolition. An informational copy of concurrence or objection will be forwarded to the Council.

#### Relocation

1. The relocation of historic properties will be reviewed by the DHCD's staff on a case-by-case basis. The DHCD will submit the following written documentation to the SHPO to initiate the consultation process:
  - a. The DHCD's written determination of effect, comments, and recommendations.
  - b. The present location of the property delineated on a land parcel or Land Use Quarter Section (LUQS) map(s).

- c. The location of the site proposed for relocation delineated on a land parcel or Land Use Quarter Section (LUQS) map(s).
  - d. Written description of the proposed site to which the property will be moved.
  - e. The reasons for the relocation.
  - f. An analysis of the various alternatives considered and why they are considered neither prudent nor feasible.
  - g. Photographs of the property in question that adequately illustrate the character and integrity of the subject property and its immediate setting.
2. The SHPO will review the documentation within thirty (30) calendar days of receipt of adequate documentation and shall concur or object in writing to the proposed relocation. An informational copy will be forwarded to the Council. Upon receipt of SHPO comments, the DHCD shall request Council comments in accordance with 36 CFR Part 800.5 (e).

#### New Construction

1. Design proposals for new construction either adjacent to a historic property or within a historic district shall be developed in conformance with the recommended approaches for new construction as contained within the Standards. To ensure compliance with the Standards, plans for new construction will be developed in consultation with the DHCD and preliminary plans submitted to the SHPO for review as soon as possible. Final plans, drawings, and specifications will be submitted to the SHPO for review and comment at least two months prior to the initiation of construction activities.

#### Capital Improvements

1. Activities such as sewer system repair/replacement, road improvements, curb and gutter replacement, and landscaping which are proposed for areas **outside** of Historic Districts already listed on the Register or Register-eligible Historic Districts or are not adjacent to properties listed or eligible for listing on the Register may proceed without further SHPO review.
2. The above-mentioned capital improvements which involve historic properties but provide for replacement in-kind may proceed without review by SHPO.
3. Documentation for projects involving historic properties that are not replacement in-kind shall be reviewed prior to project implementation by the DHCD and the SHPO pursuant to 36 CFR 800.5 to ensure conformance with the recommended approaches in the Standards.

## Archeology

1. Prior to any **new** ground-disturbing activities, the DHCD shall notify the SHPO and request its opinion of the potential existence of any significant archaeological resources. The DHCD will send the SHPO the following to initiate the consultation process:
  - a. A map locating the proposed activity.
  - b. The following information on the new ground disturbance in the project area:
    - 1) the nature and date of the disturbance
    - 2) map indicating depth and location of disturbance
2. If the SHPO determines in writing within thirty (30) days that the potential for significant archaeological resources exists, the DHCD will carry out an archaeological survey of the affected area in consultation with the SHPO. Archaeological testing and evaluation, as deemed appropriate, will be undertaken by the DHCD to determine if properties identified during the survey meet Register criteria (36 CFR 60.6).
3. If archaeological resources are found that the DHCD in consultation with the SHPO determine meet Register criteria, they will be avoided or preserved in place, whenever feasible. When it is not feasible to preserve a resource in place, the SHPO will be consulted and a treatment consistent with the Council's Handbook Treatment of Archaeological Properties (and its subsequent revisions) and approved by the SHPO will be developed and implemented. The DHCD will ensure that all identification and testing efforts will be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44716) and appropriate internal guidance and regulations from SHPO.

## ATTACHMENT 14

### 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	Menomoniee	From the Langlade-Menomoniee 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.
Chippewa, East Fork	Iron	Glidden to source.
River Name	County(s)	Segment Reach Description

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.
Milwaukee	Milwaukee Ozaukee Washington Fond du Lac	Thiensville to Grafton. Waubeka to West Bend. Young America to Campbellsport. Campbellsport to Eden.
<b>River Name</b>	<b>County(s)</b>	<b>Segment Reach Description</b>
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.
Wisconsin	Marathon Lincoln	Merrill to Wausau. Wausau to Marathon County line south.
Wolf	Outagamie Waupaca Shawano	County Road P two miles north of Shioctin to Shawano.
Yellow	Juneau Wood	From Necedah Bluff to Spillway at Lake Baxter.

ATTACHMENT 15  
HUD CIRCULAR LETTER 85-8



U.S. Department of Housing and Urban Development  
Milwaukee Area Office, Region V  
310 West Wisconsin Avenue, Suite 1380  
Milwaukee, Wisconsin 53203 - 2289

May 23, 1985

Circular Letter HD 85-8 (HDV-CE)

TO: All Active U.S. Department of Housing and Urban Development  
Approved Mortgagees and Independent (Fee) Appraisers

On January 6, 1984, the U.S. Department of Housing and Urban Development (HUD) issued regulations 24 CFR Part 51(D) which deals with the issue of Runway Clear Zones near civilian airports and Clear Zones at military airfields. These regulations apply to applications for Federal Housing Administration mortgage insurance and Title I Housing Rehabilitation Loans.

Runway Clear Zones and Clear Zones are areas immediately beyond a runway which have been determined by the Federal government to have a significant risk of personal injury or property damage from aircraft accidents. These Regulations require that a special notification form be signed by individuals seeking HUD assistance, subsidy or insurance to purchase a home located in either a Runway Clear Zone or Clear Zone. This notification states the following:

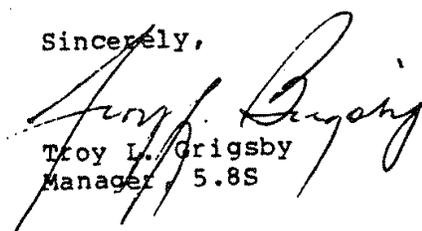
1. That the property in question is located in a Runway Clear Zone or Clear Zone;
2. What the implications are of such a location, and;
3. That there is a possibility that the property may, at a later date, be acquired by the airport operator.

Appraisers should identify from the attached list, properties located in Runway Clear Zones/Clear Zones, and condition acceptance of such properties upon notification to the buyer.

Direct endorsement mortgagees and HUD lenders are responsible for completing the Notice to Prospective Buyers of Properties Located in a Runway Clear Zone and insuring that the purchaser signs the Notice prior to closing the loan. Copies of the completed form should be given to the purchaser and included in the case file.

If you have any questions on this matter, please contact Robert Goulka, Environmental and Planning Officer, at (414) 291-3355.

Sincerely,

  
Troy L. Grigsby  
Manager, 5.8S

Attachment

## RESIDENTIAL UNITS LOCATED WITHIN A RUNWAY CLEAR ZONE

<u>General Mitchell Field</u>	<u>Community</u>	<u>Zip Code</u>
5365 South Pennsylvania Avenue	Cudahy	53110
5377 South Pennsylvania Avenue	Cudahy	53110
5401 South Pennsylvania Avenue	Cudahy	53110
5411 South Pennsylvania Avenue	Cudahy	53110
 <u>Eau Claire County Airport</u>		
2011 North North Lane	Eau Claire	54701
2017 North North Lane	Eau Claire	54701
2023 North North Lane	Eau Claire	54701
 <u>Manitowoc Municipal Airport</u>		
2301 Menasha Avenue	Manitowoc	54220
2302 Menasha Avenue	Manitowoc	54220
1532 - 23rd Street	Manitowoc	54220
2141 Richmond Avenue	Manitowoc	54220
2201 Richmond Avenue	Manitowoc	54220
2204 Richmond Avenue	Manitowoc	54220
2207 Richmond Avenue	Manitowoc	54220
2210 Richmond Avenue	Manitowoc	54220
2215 Richmond Avenue	Manitowoc	54220
2216 Richmond Avenue	Manitowoc	54220
2223 Richmond Avenue	Manitowoc	54220
2224 Richmond Avenue	Manitowoc	54220
2228 Richmond Avenue	Manitowoc	54220
2233 Richmond Avenue	Manitowoc	54220
2234 Richmond Avenue	Manitowoc	54220
2238 Richmond Avenue	Manitowoc	54220
2244 Richmond Avenue	Manitowoc	54220
2250 Richmond Avenue	Manitowoc	54220
2259 Richmond Avenue	Manitowoc	54220
2260 Richmond Avenue	Manitowoc	54220
2204 Lexington Avenue	Manitowoc	54220
2210 Lexington Avenue	Manitowoc	54220
2215 Lexington Avenue	Manitowoc	54220
2216 Lexington Avenue	Manitowoc	54220
2221 Lexington Avenue	Manitowoc	54220
2222 Lexington Avenue	Manitowoc	54220
2225 Lexington Avenue	Manitowoc	54220
2226 Lexington Avenue	Manitowoc	54220
 <u>Rock County Airport</u>		
2751 Happy Hollow Road	Janesville	53545
2801 Happy Hollow Road	Janesville	53545
 <u>Wittman Field</u>		
171- 23rd Street	Oshkosh	54901
149 - 24th Street (Bethany Park Village)	Oshkosh	54901
172 - 25th Street	Oshkosh	54901
166 - 25th Street	Oshkosh	54901
172 - 25th Street	Oshkosh	54901
173 - 25th Street	Oshkosh	54901
176 - 25th Street	Oshkosh	54901
182 - 25th Street	Oshkosh	54901
183 - 25th Street	Oshkosh	54901

<u>Witmann Field (cont).</u>	<u>Community</u>	<u>Zip Code</u>
2312 Oregon Street	Oshkosh	54901
2316 Oregon Street	Oshkosh	54901
2505 Oregon Street	Oshkosh	54901
2511 Oregon Street	Oshkosh	54901
2515 Oregon Street	Oshkosh	54901
2516 Oregon Street	Oshkosh	54901
2519 Oregon Street	Oshkosh	54901
2523 Oregon Street	Oshkosh	54901
2524 Oregon Street	Oshkosh	54901

La Crosse County Airport

202 Fanta Reed Road	La Crosse	54601
206 Fanta Reed Road	La Crosse	54601
2542 - 1st Avenue West	La Crosse	54601
2546 - 1st Avenue West	La Crosse	54601
2550 - 1st Avenue West	La Crosse	54601
2554 - 1st Avenue West	La Crosse	54601
2558 - 1st Avenue West	La Crosse	54601
2548 - 1st Avenue East	La Crosse	54601
2553 - 1st Avenue East	La Crosse	54601
2556 - 1st Avenue East	La Crosse	54601
2560 - 1st Avenue East	La Crosse	54601
2541 North Bainbridge Street	La Crosse	54601
2544 North Bainbridge Street	La Crosse	54601
2545 North Bainbridge Street	La Crosse	54601
2548 North Bainbridge Street	La Crosse	54601
2549 North Bainbridge Street	La Crosse	54601
2552 North Bainbridge Street	La Crosse	54601
2555 North Bainbridge Street	La Crosse	54601
2556 North Bainbridge Street	La Crosse	54601
2559 North Bainbridge Street	La Crosse	54601
2544 - 2nd Avenue East	La Crosse	54601
2548 - 2nd Avenue East	La Crosse	54601
2549 - 2nd Avenue East	La Crosse	54601
2552 - 2nd Avenue East	La Crosse	54601
2553 - 2nd Avenue East	La Crosse	54601
2556 - 2nd Avenue East	La Crosse	54601
2557 - 2nd Avenue East	La Crosse	54601
2560 - 2nd Avenue East	La Crosse	54601
2561 - 2nd Avenue East	La Crosse	54601

Alexander Field

4051 Sampson Street	Town of Grand Rapids (Near Wisconsin Rapids)	54481
431 North Brentwood Drive	Town of Grand Rapids (Near Wisconsin Rapids)	54481

Hayward Airport

Mr. Mel Friske, Route 1	Hayward	54843
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NOTICE TO PROSPECTIVE BUYERS OF PROPERTIES LOCATED IN  
RUNWAY CLEAR ZONES AND CLEAR ZONES

*In accordance with Section 51.303 (a)(3), this notice must be given to anyone interested either in buying an existing HUD property, or using HUD assistance to buy an existing property, which is located in either a Runway Clear Zone at a civil airport or a Clear Zone at a military installation. This includes any of the properties found on the two previous pages.*

The property which you are interested in purchasing at (to be filled in by Grantee) \_\_\_\_\_  
\_\_\_\_\_ is located in the Runway Clear Zone/Clear  
Zone for (to be filled in by Grantee)  
\_\_\_\_\_

Studies have shown that if an accident were to occur it is more likely to occur within the Runway Clear Zone/Clear Zone than in other areas around the airport/airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a clear zone acquisition program. Such programs have been underway for many years at airports and airfields across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds, but it is a possibility.

We wanted to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in is located in a Runway Clear Zone/Clear Zone.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Signature of Prospective Buyer)  
\_\_\_\_\_  
\_\_\_\_\_ (Type or Print Name of Prospective Buyer)  
\_\_\_\_\_ (Date)

(This notice must be maintained as part of the HUD file on this action.)

**NOTE:** This is a sample letter format. Grantees must re-type on their letterhead.

**ATTACHMENT16**  
**24 CFR PART 58 – ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES**  
**ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES**

[Code of Federal Regulations]  
[Title 24, Volume 1, Parts 0 to 199]  
[Revised as of April 1, 1997]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 24CFR58]

**TITLE 24--HOUSING AND URBAN DEVELOPMENT**

**PART 58--ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES**  
**ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES**

**Subpart A--Purpose, Legal Authority, Federal Laws and Authorities**

Sec.

- 58.1 Purpose, scope and applicability.
- 58.2 Terms, abbreviations and definitions.
- 58.4 Assumption authority.
- 58.5 Related Federal laws and authorities.
- 58.6 Other requirements.

**Subpart B--General Policy: Responsibilities of Responsible Entities**

- 58.10 Basic environmental responsibility.
- 58.11 Legal capacity and performance.
- 58.12 Technical and administrative capacity.
- 58.13 Responsibilities of the certifying officer.
- 58.14 Interaction with State, Federal and non-Federal entities.
- 58.15 Tiering.
- 58.17 Historic preservation requirements for prior section 17 grants.
- 58.18 Responsibilities of States assuming HUD responsibilities.

**Subpart C--General Policy: Environmental Review Procedures**

- 58.21 Time periods.
- 58.22 Limitations on activities pending clearance.
- 58.23 Financial assistance for environmental review.

**Subpart D--Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification**

- 58.30 Environmental review process.
- 58.32 Project aggregation.
- 58.33 Emergencies.
- 58.34 Exempt activities.
- 58.35 Categorical exclusions.
- 58.36 Environmental assessments.
- 58.37 Environmental impact statement determinations.
- 58.38 Environmental review record.

**Subpart E--Environmental Review Process: Environmental Assessments (EA's)**

- 58.40 Preparing the environmental assessment.
- 58.43 Dissemination and/or publication of the findings of no significant impact.
- 58.45 Public comment periods.
- 58.46 Time delays for exceptional circumstances.
- 58.47 Re-evaluation of environmental assessments and other environmental findings.

## **Subpart F--Environmental Review Process: Environmental Impact Statement Determinations**

- 58.52 Adoption of other agencies' EISs.
- 58.53 Use of prior environmental impact statements.

## **Subpart G--Environmental Review Process: Procedures for Draft, Final and Supplemental Environmental Impact Statements**

- 58.55 Notice of intent to prepare an EIS.
- 58.56 Scoping process.
- 58.57 Lead agency designation.
- 58.59 Public hearings and meetings.
- 58.60 Preparation and filing of environmental impact statements.

## **Subpart H--Release of Funds for Particular Projects**

- 58.70 Notice of intent to request release of funds.
- 58.71 Request for release of funds and certification.
- 58.72 HUD or State actions on RROFs and certifications.
- 58.73 Objections to release of funds.
- 58.74 Time for objecting.
- 58.75 Permissible bases for objections.
- 58.76 Procedure for objections.
- 58.77 Effect of approval of certification.

Authority: 12 U.S.C. 1707 note; 42 U.S.C. 1437o(i)(1) and (2), 1437x, 3535(d), 3547, 4332, 4852, 5304(g), 11402, and 12838; E.O. 11514, 3 CFR, 1966-1970, Comp., p. 902, as amended by E.O. 11991, 3 CFR, 1977 Comp., p.123.

Source: 61 FR 19122, Apr. 30, 1996, unless otherwise noted.

## **Subpart A--Purpose, Legal Authority, Federal Laws and Authorities**

Sec. 58.1 Purpose, scope and applicability.

(a) Purpose. This part provides instructions and guidance to recipients of HUD assistance and other responsible entities for conducting an environmental review for a particular project or activity and for obtaining approval of a Request for Release of Funds.

(b) Applicability. This part applies to activities and projects where specific statutory authority exists for recipients or other responsible entities to assume environmental responsibilities. Programs and activities subject to this part include:

(1) Community Development Block Grant programs authorized by Title I of the Housing and Community Development Act of 1974, in accordance with section 104(g) (42 U.S.C. 5304(g));

(2) The Rental Rehabilitation program and Housing Development Grant program authorized by section 17 of the United States Housing Act of 1937, in accordance with sections 17(i)(1) and 17(i)(2) with respect to projects and programs for which binding commitments have been entered into prior to October 1, 1991, since section 17 was repealed by the Cranston-Gonzalez National Affordable Housing Act enacted November 28, 1990 (42 U.S.C. 1437o(i)(1) and (2));

(3) Grants to States and units of general local government under the Emergency Shelter Grant Program, Supportive Housing program (and its predecessors, the Supportive Housing Demonstration program (both Transitional Housing and Permanent Housing for Homeless Persons with Disabilities) and Supplemental Assistance for Facilities to Assist the Homeless), Shelter Plus Care program, Safe Havens for Homeless Individuals Demonstration Program, and Rural Homeless Housing Assistance, authorized by Title IV of the Stewart B. McKinney Homeless Assistance Act, in accordance with section 443 (42 U.S.C. 11402);

(4) The HOME Investment Partnerships Program authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA), in accordance with section 288 (42 U.S.C. 12838);

(5) Grants to States and units of general local government for abatement of lead-based paint and lead dust hazards pursuant to Title II of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1992, and grants for lead-based paint hazard reduction under section 1011 of the Housing and Community Development Act of 1992, in accordance with section 1011(o) (42 U.S.C. 4852(o));

(6)(i) Public Housing Programs under Title I of the United States Housing Act of 1937, in accordance with section 26 (42 U.S.C. 1437x);

(ii) Indian Housing Programs under Title I of the United States Housing Act of 1937, including the Mutual Help Program, in accordance with section 26 (42 U.S.C. 1437x); and

(iii) Assistance administered by a public housing agency or Indian housing authority under section 8 of the United States Housing Act of 1937, except for assistance provided under 24 CFR part 886, in accordance with section 26 (42 U.S.C. 1437x);

(7) Special Projects appropriated under an appropriation act for HUD, such as special projects under the heading "Annual Contributions for Assisted Housing" in Title II of various Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts, in accordance with section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547);

(8) The FHA Multifamily Housing Finance Agency Pilot Program under section 542(c) of the Housing and Community Development Act of 1992, in accordance with section 542(c)(9)(12 U.S.C. 1707 note); and

(9) The Self-Help Homeownership Opportunity Program under section 11 of the Housing Opportunity Program Extension Act of 1996 (Pub. L. 104-120, 110 Stat. 834), in accordance with section 11(m).

#### Sec. 58.2 Terms, abbreviations and definitions.

(a) For the purposes of this part, the following definitions supplement the uniform terminology provided in 40 CFR part 1508:

(1) Activity means an action that a grantee or recipient puts forth as part of an assisted project, regardless of whether its cost is to be borne by the HUD assistance or is an eligible expense under the HUD assistance program.

(2) Certifying Officer means the official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities of Sec. 58.13.

(3) Extraordinary Circumstances means a situation in which an environmental assessment (EA) or environmental impact statement (EIS) is not normally required, but due to unusual conditions, an EA or EIS is appropriate. Indicators of unusual conditions are:

(i) Actions that are unique or without precedent;

(ii) Actions that are substantially similar to those that normally require an EIS;

(iii) Actions that are likely to alter existing HUD policy or HUD mandates; or

(iv) Actions that, due to unusual physical conditions on the site or in the vicinity, have the potential for a significant impact on the environment or in which the environment could have a significant impact on users of the facility.

(4) Project means an activity, or a group of integrally related activities, designed by the recipient to accomplish, in whole or in part, a specific objective.

(5) Recipient means any of the following entities, when they are eligible recipients or grantees under a program listed in Sec. 58.1(b):

(i) A State that does not distribute HUD assistance under the program to a unit of general local government;

(ii) Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, and Palau;

(iii) A unit of general local government;

(iv) An Indian tribe;

(v)(A) With respect to Public Housing Programs under Sec. 58.1(b)(6)(i), a public housing agency;

(B) With respect to Indian Housing Programs under Sec. 58.1(b)(6)(ii), an Indian housing authority;

(C) With respect to section 8 assistance under Sec. 58.1(b)(6)(iii), a public housing agency or Indian housing authority;

(vi) Any direct grantee of HUD for a special project under Sec. 58.1(b)(7);

(vii) With respect to the FHA Multifamily Housing Finance Agency Pilot Program under Sec. 58.1(b)(8), a qualified housing finance agency; and

(viii) With respect to the Self-Help Homeownership Opportunity Program under Sec. 58.1(b)(9), any direct grantee of HUD.

(6) Release of funds. In the case of the FHA Multifamily Housing Finance Agency Pilot Program under Sec. 58.1(b)(8), Release of Funds, as used in this part, refers to HUD issuance of a firm approval letter, and Request for Release of Funds refers to a recipient's request for a firm approval letter.

(7) Responsible Entity means:

(i) With respect to environmental responsibilities under programs listed in Sec. 58.1(b)(1) through (5), a recipient under the program.

(ii) With respect to environmental responsibilities under the programs listed in Sec. 58.1(b)(6) through (9), a State, unit of general local government, Indian tribe or Alaska native village, when it is the recipient under the program. Non-recipient responsible entities are designated as follows:

(A) For qualified housing finance agencies, the State or a unit of general local government, Indian tribe or Alaska native village whose jurisdiction contains the project site;

(B) For public housing agencies, the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

(C) For non-profit organizations and other entities, the unit of general local government, Indian tribe or Alaska native village within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

(D) For Indian housing authorities (outside of Alaska), the Indian tribe in whose jurisdiction the project is located, or if the project is located outside of a reservation, the Indian tribe that established the authority; and

(E) For Indian housing authorities in Alaska, the Alaska native village in whose community the project is located, or if HUD determines this infeasible, a unit of general local government or the State, as designated by HUD.

(8) Unit Density refers to a change in the number of dwelling units. Where a threshold is identified as a percentage change in density that triggers review requirements, no distinction is made between an increase or a decrease in density.

(9) Tiering means the evaluation of an action or an activity at various points in the development process as a proposal or event becomes ripe for an Environment Assessment or Review.

(10) Vacant Building means a habitable structure that has been vacant for more than one year.

(b) The following abbreviations are used throughout this part:

- (1) NSP--Community Development Block Grant;
- (2) CEQ--Council on Environmental Quality;
- (3) EA--Environmental Assessment;
- (4) EIS--Environmental Impact Statement;
- (5) EPA--Environmental Protection Agency;
- (6) ERR--Environmental Review Record;
- (7) FONSI--Finding of No Significant Impact;
- (8) HUD--Department of Housing and Urban Development;
- (9) NAHA--Cranston-Gonzalez National Affordable Housing Act of 1990;
- (10) NEPA--National Environmental Policy Act of 1969, as amended;
- (11) NOI/EIS--Notice of Intent to Prepare an EIS;
- (12) NOI/RROF--Notice of Intent to Request Release of Funds;
- (13) ROD--Record of Decision;
- (14) ROF--Release of Funds; and
- (15) RROF--Request for Release of Funds.

#### Sec. 58.4 Assumption authority.

(a) Assumption authority for responsible entities: General. Responsible entities shall assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in Sec. 58.5. Responsible entities that receive assistance directly from HUD assume these responsibilities by execution of a grant agreement with HUD and/or a legally binding document such as the certification contained on HUD Form 7015.15, certifying to the assumption of environmental responsibilities. When a State distributes funds to a responsible entity, the State must provide for appropriate procedures by which these responsible entities will evidence their assumption of environmental responsibilities.

(b) Particular responsibilities of the States. (1) States are recipients for purposes of directly undertaking a State project and must assume the environmental review responsibilities for the State's activities and those of any non-governmental entity that may participate in the project. In this case, the State must submit the certification and RROF to HUD for approval.

(2) States must exercise HUD's responsibilities in accordance with Sec. 58.18, with respect to approval of a unit of local government's environmental certification and RROF for a HUD assisted project funded through the State, except for projects assisted by Section 17 Rental Rehabilitation assistance and Housing Development Grants. Approval by the State of a unit of local government's certification and RROF satisfies the Secretary's responsibilities under NEPA and the related laws cited in Sec. 58.5.

(3) For section 17 Rental Rehabilitation projects and Housing Development Grants, the State agency shall meet the responsibilities set forth in Sec. 58.18. However, for section 17 projects, the State lacks authority to approve RROFs and therefore must forward to the responsible HUD Field Office the local recipient's certification and RROF, any objections to the release of funds submitted by another party, and the State's recommendation as to whether HUD should approve the certification and the RROF.

#### Sec. 58.5 Related Federal laws and authorities.

In accordance with the provisions of law cited in Sec. 58.1(b), the responsible entity must assume responsibilities for environmental review, decision-making and action that would apply to HUD under the following specified laws and authorities. The responsible entity must certify that it has complied with the requirements that would apply to HUD under these laws and authorities and must consider the criteria, standards, policies and regulations of these laws and authorities.

(a) Historic properties. (1) The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in Sec. 58.17 for Section 17 projects.

(2) Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp., p. 559, particularly section 2(c).

(3) Federal historic preservation regulations as follows:

(i) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG);

and

(ii) 36 CFR part 801 with respect to UDAG.

(4) The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), particularly section 3 (16 U.S.C. 469a-1).

(b) Floodplain management and wetland protection. (1) Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 CFR part 55,

particularly section 2(a) of the order (For an explanation of the relationship between the decision-making process in 24 CFR part 55 and this part, see Sec. 55.10 of this subtitle A.)

(2) Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., p. 121, particularly sections 2 and 5.

(c) Coastal Zone Management. The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended, particularly section 307(c) and (d) (16 U.S.C. 1456(c) and (d)).

(d) Sole source aquifers. (1) The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 U.S.C. 300h-3(e)).

(2) Sole Source Aquifers (Environmental Protection Agency--40 CFR part 149).

(e) Endangered species. The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as amended, particularly section 7 (16 U.S.C. 1536).

(f) Wild and scenic rivers. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) as amended, particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)).

(g) Air quality. (1) The Clean Air Act (42 U.S.C. 7401 et seq.) as amended; particularly section 176(c) and (d) (42 U.S.C. 7506(c) and (d)).

(2) Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency-- 40 CFR parts 6, 51, and 93).

(h) Farmlands protection. (1) Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202).

(2) Farmland Protection Policy (Department of Agriculture--7 CFR part 658).

(i) HUD environmental standards. Applicable criteria and standards specified in HUD environmental regulations (24 CFR part 51) (other than the runway clear zone and clear zone notification requirement in 24 CFR 51.303 (a)(3)) and HUD Notice 79-33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, September 10, 1979).

(j) Environmental justice. Executive Order 12898--Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. p. 859.

#### Sec. 58.6 Other requirements.

In addition to the duties under the laws and authorities specified in Sec. 58.5 for assumption by the responsible entity under the laws cited in Sec. 58.1(b), the responsible entity must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this part or preclude exemption of an activity under Sec. 58.34(a)(11) and/or the applicability of Sec. 58.35(b). However, the responsible entity remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under Sec. 58.34 or categorically excluded under Sec. 58.35(a) or (b).

(a)(1) Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128), Federal financial assistance for acquisition and construction purposes (including rehabilitation) may not be used in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(i) The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards; and

(ii) Flood insurance protection is to be obtained as a condition of the approval of financial assistance to the property owner.

(2) Where a recipient provides financial assistance for acquisition or construction purposes (including rehabilitation) for property located in an area identified by FEMA as having special flood hazards, the responsible entity is responsible for assuring that flood insurance under the National Flood Insurance Program is obtained and maintained.

(3) Paragraph (a) of this section does not apply to Federal formula grants made to a State.

(b) Pursuant to the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources System.

(c) In all cases involving HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone, as defined in 24 CFR part 51, the responsible entity shall advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

### **Subpart B--General Policy: Responsibilities of Responsible Entities**

#### Sec. 58.10 Basic environmental responsibility.

In accordance with the provisions of law cited in Sec. 58.1(b), the responsible entity must assume the environmental responsibilities for projects under programs cited in Sec. 58.1(b), and in doing so must comply with the provisions of NEPA and the CEQ regulations contained in 40 CFR parts 1500 through 1508, including the requirements set forth in this part. This includes responsibility for compliance with the applicable provisions and requirements of the Federal laws and authorities specified in Sec. 58.5. The provisions of the CEQ regulations in 40 CFR parts 1500 through 1508 are applicable to this part.

Sec. 58.11 Legal capacity and performance.

(a) A responsible entity which believes that it does not have the legal capacity to carry out the environmental responsibilities required by this part must contact the appropriate local HUD Office or the State for further instructions. Determinations of legal capacity will be made on a case-by-case basis.

(b) If a public housing, Indian housing, special project or self-help homeownership opportunity recipient objects to the non-recipient responsible entity conducting the environmental review on the basis of performance, timing, or compatibility of objectives, HUD will review the facts to determine who will perform the environmental review.

(c) At any time, HUD may reject the use of a responsible entity to conduct the environmental review in a particular case on the basis of performance, timing or compatibility of objectives, or in accordance with Sec. 58.77(d)(1).

(d) If a responsible entity, other than a recipient, objects to performing an environmental review, or if HUD determines that the responsible entity should not perform the environmental review, HUD may designate another responsible entity to conduct the review in accordance with this part or may itself conduct the environmental review in accordance with the provisions of 24 CFR part 50.

Sec. 58.12 Technical and administrative capacity.

The responsible entity must develop the technical and administrative capability necessary to comply with 40 CFR parts 1500 through 1508 and the requirements of this part.

Sec. 58.13 Responsibilities of the certifying officer.

Under the terms of the certification required by Sec. 58.71, a responsible entity's certifying officer is the "responsible Federal official" as that term is used in section 102 of NEPA and in statutory provisions cited in Sec. 58.1(b). The Certifying Officer is therefore responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5. The Certifying Officer must also:

(a) Represent the responsible entity and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court; and

(b) Ensure that the responsible entity reviews and comments on all EISs prepared for Federal projects that may have an impact on the recipient's program.

Sec. 58.14 Interaction with State, Federal and non-Federal entities.

A responsible entity shall consult, as appropriate, environmental agencies, State, Federal and non-Federal entities and the public in the preparation of an EIS, EA or other environmental reviews undertaken under the related laws and authorities cited in Sec. 58.5 and Sec. 58.6. The responsible entity must also cooperate with other agencies to reduce duplication between NEPA and comparable environmental review requirements of the State (see 40 CFR 1506.2(b) and (c)). The responsible entity must prepare its EAs and EISs so that they comply with the environmental review requirements of both Federal and State laws unless otherwise specified or provided by law. State, Federal and local agencies may participate or act in a joint lead or cooperating agency capacity in the preparation of joint EISs (see 40 CFR 1501.5(b) and 1501.6). A single EIS may be prepared and adopted by multiple users to the extent that the review addresses the relevant environmental issues and there is a written agreement between the cooperating agencies which sets forth the coordinated and overall responsibilities.

Sec. 58.15 Tiering.

Responsible entities may tier their environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate when there is a requirement to evaluate a policy or proposal in the early stages of development or when site-specific analysis or mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date. The site specific review need only reference or summarize the issues addressed in the broader review. The broader review should identify and evaluate those issues ripe for decision and exclude those issues not relevant to the policy, program or project under consideration. The broader review should also establish the policy, standard or process to be followed in the site specific review. The Finding of No Significant Impact (FONSI) with respect to the broader assessment shall include a summary of the assessment and identify the significant issues to be considered in site specific reviews. 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. A tiering approach can be used for meeting environmental review requirements in areas designated for special focus in local Consolidated Plans. Local and State Governments are encouraged to use the Consolidated Plan process to facilitate environmental reviews.

Sec. 58.17 Historic preservation requirements for prior section 17 grants.

A recipient of a section 17 grant shall comply with the historic preservation requirements of this part and existing grant agreements.

Sec. 58.18 Responsibilities of States assuming HUD responsibilities.

(a) States that elect to administer a HUD program shall ensure that the program complies with the provisions of this part. The State must:

(1) Designate the State agency or agencies which will be responsible for carrying out the requirements and administrative responsibilities set forth in subpart H of this part and which will:

(i) Develop a monitoring and enforcement program for post-review actions on environmental reviews and monitor compliance with any environmental conditions included in the award.

(ii) Receive public notices, RROFs and certifications from recipients pursuant to Secs. 58.70 and 58.71; accept objections from the public and from other agencies (Sec. 58.73); and perform other related responsibilities regarding releases of funds.

(2) Fulfill the State role in subpart H relative to the time period set for the receipt and disposition of comments, objections and appeals (if any) on particular projects.

(b) States administering section 17 Programs shall assume the responsibilities set forth in this section for overseeing the State recipient's performance and compliance with NEPA and related Federal authorities as set forth in this part, including receiving RROFs and environmental certifications for particular projects from State recipients and objections from government agencies and the public in accordance with the procedures contained in subpart H of this part. The State shall forward to the responsible HUD Field Office the environmental certification, the RROF and any objections received, and shall recommend whether to approve or disapprove the certification and RROF.

**Subpart C--General Policy: Environmental Review Procedures**

Sec. 58.21 Time periods.

All time periods in this part shall be counted in calendar days. The first day of a time period begins at 12:01 a.m. local time on the day following the publication or the mailing and posting date of the notice which initiates the time period.

Sec. 58.22 Limitations on activities pending clearance.

(a) A recipient may not commit HUD assistance funds under a program listed in Sec. 58.1(b) on an activity or project until HUD or the State has approved the recipient's RROF and the related certification of the responsible entity. In addition, until the RROF and related certification has been approved, the recipient may not commit non-HUD funds on an activity or project under a program listed in Sec. 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives. If an activity is exempt under Sec. 58.34, or not subject to Sec. 58.5 under Sec. 58.35(b), no RROF is required and a recipient may undertake the activity immediately after the award of the assistance.

(b) An option agreement on a proposed site or property is allowable prior to the completion of the environmental review if the option agreement is subject to a determination by the recipient on the desirability of the property for the project as a result of the completion of the environmental review in accordance with this part and the cost of the option is a nominal portion of the purchase price. There is no constraint on the purchase of an option by third parties that have not been selected for HUD funding, have no responsibility for the environmental review and have no say in the approval or disapproval of the project.

(c) Relocation. Funds may be committed for relocation assistance before the approval of the RROF and related certification for the project provided that the relocation assistance is required by 24 CFR part 42.

Sec. 58.23 Financial assistance for environmental review.

The costs of environmental reviews, including costs incurred in complying with any of the related laws and authorities cited in Sec. 58.5 and Sec. 58.6, are eligible costs to the extent allowable under the HUD assistance program regulations.

**Subpart D--Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification**

Sec. 58.30 Environmental review process.

(a) The environmental review process consists of all the actions that a responsible entity must take to determine compliance with this part. The environmental review process includes all the compliance actions needed for other activities and projects that are not assisted by HUD but are aggregated by the responsible entity in accordance with Sec. 58.32.

(b) The environmental review process should begin as soon as a recipient determines the projected use of HUD assistance.

Sec. 58.32 Project aggregation.

(a) A responsible entity must group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions.

(b) In deciding the most appropriate basis for aggregation when evaluating activities under more than one program, the responsible entity may choose: functional aggregation when a specific type of activity (e.g., water improvements) is to take place in several separate locales or jurisdictions; geographic aggregation when a mix of dissimilar but related activities is to be concentrated in a fairly specific project area (e.g., a combination of water, sewer and street improvements and economic development activities); or a combination of aggregation approaches, which, for various project locations, considers the impacts arising from each functional activity and its interrelationship with other activities.

(c) The purpose of project aggregation is to group together related activities so that the responsible entity can:

(1) Address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions. (See 40 CFR 1508.25(a)).

(2) Consider reasonable alternative courses of action.

(3) Schedule the activities to resolve conflicts or mitigate the individual, combined and/or cumulative effects.

(4) Prescribe mitigation measures and safeguards including project alternatives and modifications to individual activities.

(d) Multi-year project aggregation--(1) Release of funds. When a recipient's planning and program development provide for activities to be implemented over two or more years, the responsible entity's environmental review should consider the relationship among all component activities of the multi-year project regardless of the source of funds and address and evaluate their cumulative environmental effects. The estimated range of the aggregated activities and the estimated cost of the total project must be listed and described by the responsible entity in the environmental review and included in the RROF. The release of funds will cover the entire project period.

(2) When one or more of the conditions described in Sec. 58.47 exists, the recipient or other responsible entity must re-evaluate the environmental review.

Sec. 58.33 Emergencies.

(a) In the cases of emergency, disaster or imminent threat to health and safety which warrant the taking of an action with significant environmental impact, the provisions of 40 CFR 1506.11 shall apply.

(b) If funds are needed on an emergency basis and when adherence to separate comment periods would prevent the giving of assistance, the combined Notice of FONSI and the Notice of the Intent to Request Release of Funds may be disseminated and/or published simultaneously with the submission of the Request for Release of Funds (RROF). The combined Notice of FONSI and NOI/ROF shall state that the funds are needed on an immediate emergency basis due to a Presidentially declared disaster and that the comment periods have been combined. The Notice shall also invite commenters to submit their comments to both HUD and the responsible entity issuing the notice to assure that these comments will receive full consideration.

#### Sec. 58.34 Exempt activities.

(a) Except for the applicable requirements of Sec. 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 Sec. 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 Sec. 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in Sec. 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.

#### Sec. 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 Sec. 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 Sec. 58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

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

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

(5) Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.

(6) Combinations of the above activities.

(b) Categorical exclusions not subject to Sec. 58.5. The Department 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 Sec. 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 Sec. 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.
- (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.

#### Sec. 58.36 Environmental assessments.

If a project is not exempt or categorically excluded under Secs. 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 Sec. 58.37, the responsible entity should proceed directly to an EIS.

#### Sec. 58.37 Environmental impact statement determinations.

- (a) An EIS is required when the project is determined to have a potentially significant impact on the human environment.
- (b) An EIS is required under any of the following circumstances, except as provided in paragraph (c) of this section:
  - (1) The project would provide a site or sites for, or result in the construction of, hospitals or nursing homes containing a total of 2,500 or more beds.
  - (2) The project would remove, demolish, convert or substantially rehabilitate 2,500 or more existing housing units (but not including rehabilitation projects categorically excluded under Sec. 58.35), or would result in the construction or installation of 2,500 or more housing units, or would provide sites for 2,500 or more housing units.
  - (3) The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units. The project does not have to be specifically intended for residential use nor does it have to be totally new construction. If the project is designed to provide upgraded service to existing development as well as to serve new development, only that portion of the increased capacity which is intended to serve new development should be counted.
- (c) If, on the basis of an EA, a responsible entity determines that the thresholds in paragraph (b) of this section are the sole reason for the EIS, the responsible entity may prepare a FONSI pursuant to 40 CFR 1501.4. In such cases, the FONSI must be made available for public review for at least 30 days before the responsible entity makes the final determination whether to prepare an EIS.
- (d) Notwithstanding paragraphs (a) through (c) of this section, an EIS is not required where Sec. 58.53 is applicable.
- (e) Recommended EIS Format. The responsible entity must use the EIS format recommended by the CEQ regulations (40 CFR 1502.10) unless a determination is made on a particular project that there is a compelling reason to do otherwise. In such a case, the EIS format must meet the minimum requirements prescribed in 40 CFR 1502.10.

#### Sec. 58.38 Environmental review record.

The responsible entity must maintain a written record of the environmental review undertaken under this part for each project. This document will be designated the "Environmental Review Record" (ERR), and shall be available for public review. The responsible entity must use the current HUD-recommended formats or develop equivalent formats.

- (a) ERR Documents. The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings required by this part as evidence of review, decision making and actions pertaining to a particular project of a recipient. The document shall:
  - (1) Describe the project and the activities that the recipient has determined to be part of the project;
  - (2) Evaluate the effects of the project or the activities on the human environment;

(3) Document compliance with applicable statutes and authorities, in particular those cited in Sec. 58.5 and 58.6; and

(4) Record the written determinations and other review findings required by this part (e.g., exempt and categorically excluded projects determinations, findings of no significant impact).

(b) Other documents and information. The ERR shall also contain verifiable source documents and relevant base data used or cited in EAs, EISs or other project review documents. These documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and special studies prepared for the recipient that are not otherwise generally available for public review shall not be incorporated by reference but shall be included in the ERR.

### **Subpart E--Environmental Review Process: Environmental Assessments (EA's)**

#### **Sec. 58.40 Preparing the environmental assessment.**

The responsible entity may prepare the EA using the HUD recommended format. In preparing an EA for a particular project, the responsible entity must:

(a) Determine existing conditions and describe the character, features and resources of the project area and its surroundings; identify the trends that are likely to continue in the absence of the project.

(b) Identify all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project.

(c) Identify, analyze and evaluate all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under related laws and authorities cited in Sec. 58.5 and Sec. 58.6.

(d) Examine and recommend feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts.

(e) Examine alternatives to the project itself, if appropriate, including the alternative of no action.

(f) Complete all environmental review requirements necessary for the project's compliance with applicable authorities cited in Secs. 58.5 and 58.6.

(g) Based on steps set forth in paragraph (a) through (f) of this section, make one of the following findings:

(1) A Finding of No Significant Impact (FONSI), in which the responsible entity determines that the project is not an action that will result in a significant impact on the quality of the human environment. The responsible entity may then proceed to Sec. 58.43.

(2) A finding of significant impact, in which the project is deemed to be an action which may significantly affect the quality of the human environment. The responsible entity must then proceed with its environmental review under subpart F or G of this part.

#### **Sec. 58.43 Dissemination and/or publication of the findings of no significant impact.**

(a) If the responsible entity makes a finding of no significant impact, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. As a minimum, the responsible entity must send the FONSI notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The responsible entity may also publish the FONSI notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process.

(b) The responsible entity may disseminate or publish a FONSI notice at the same time it disseminates or publishes the NOI/RROF required by Sec. 58.70. If the notices are released as a combined notice, the combined notice shall:

(1) Clearly indicate that it is intended to meet two separate procedural requirements; and

(2) Advise the public to specify in their comments which "notice" their comments address.

(c) The responsible entity must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. If funds will be used in Presidentially declared disaster areas, modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds.

Sec. 58.45 Public comment periods.

- (a) Notice of finding of no significant impact: 15 days from date of publication or if no publication, 18 days from the date of mailing and posting.
- (b) Notice of intent to request release of funds: 7 days from date of publication or if no publication, 10 days from date of mailing and posting.
- (c) Concurrent or combined notices: Same as FONSI notice.

Sec. 58.46 Time delays for exceptional circumstances.

The responsible entity must make the FONSI available for public comments for 30 days before the recipient files the RROF when:

- (a) There is a considerable interest or controversy concerning the project;
- (b) The proposed project is similar to other projects that normally require the preparation of an EIS; or
- (c) The project is unique and without precedent.

Sec. 58.47 Re-evaluation of environmental assessments and other environmental findings.

- (a) A responsible entity must re-evaluate its environmental findings when:
  - (1) The recipient proposes substantial changes in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project;
  - (2) There are new circumstances and 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; or
  - (3) The recipient proposes the selection of an alternative not in the original finding.
- (b) The purpose of the responsible entity's re-evaluation is to determine if the original findings are still valid. If the original findings are still valid but the data or conditions upon which they were based have changed, the responsible entity must amend the original findings and update its ERR by including this re-evaluation and its determination based on its findings. If the responsible entity determines that the original findings are no longer valid, it must prepare an EA or an EIS if its evaluation indicates potentially significant impacts. Where the recipient is not the responsible entity, the recipient must inform the responsible entity promptly of any proposed substantial changes under paragraph (a)(1) of this section, new circumstances or environmental conditions under paragraph (a)(2) of this section, or any proposals to select a different alternative under paragraph (a)(3) of this section, and must then permit the responsible entity to re-evaluate the findings before proceeding.

**Subpart F--Environmental Review Process: Environmental Impact Statement Determinations**

Sec. 58.52 Adoption of other agencies' EISs.

The responsible entity may adopt a draft or final EIS prepared by another agency provided that the EIS was prepared in accordance with 40 CFR parts 1500 through 1508. If the responsible entity adopts an EIS prepared by another agency, the procedure in 40 CFR 1506.3 shall be followed. An adopted EIS may have to be revised and modified to adapt it to the particular environmental conditions and circumstances of the project if these are different from the project reviewed in the EIS. In such cases the responsible entity must prepare, circulate, and file a supplemental draft EIS in the manner prescribed in Sec. 58.60(d) and otherwise comply with the clearance and time requirements of the EIS process, except that scoping requirements under 40 CFR 1501.7 shall not apply. The agency that prepared the original EIS should be informed that the responsible entity intends to amend and adopt the EIS. The responsible entity may adopt an EIS when it acts as a cooperating agency in its preparation under 40 CFR 1506.3. The responsible entity is not required to re-circulate or file the EIS, but must complete the clearance process for the RROF. The decision to adopt an EIS shall be made a part of the project ERR.

Sec. 58.53 Use of prior environmental impact statements.

Where any final EIS has been listed in the Federal Register for a project pursuant to this part, or where an areawide or similar broad scale final EIS has been issued and the EIS anticipated a subsequent project requiring an environmental clearance, then no new EIS is required for the subsequent project if all the following conditions are met:

- (a) The ERR contains a decision based on a finding pursuant to Sec. 58.40 that the proposed project is not a new major Federal action significantly affecting the quality of the human environment. The decision shall include:
  - (1) References to the prior EIS and its evaluation of the environmental factors affecting the proposed subsequent action subject to NEPA;
  - (2) An evaluation of any environmental factors which may not have been previously assessed, or which may have significantly changed;
  - (3) An analysis showing that the proposed project is consistent with the location, use, and density assumptions for the site and with the timing and capacity of the circulation, utility, and other supporting infrastructure assumptions in the prior EIS;
  - (4) Documentation showing that where the previous EIS called for mitigating measures or other corrective action, these are completed to the extent reasonable given the current state of development.

- (b) The prior final EIS has been filed within five (5) years, and updated as follows:
- (1) The EIS has been updated to reflect any significant revisions made to the assumptions under which the original EIS was prepared;
  - (2) The EIS has been updated to reflect new environmental issues and data or legislation and implementing regulations which may have significant environmental impact on the project area covered by the prior EIS.
- (c) There is no litigation pending in connection with the prior EIS, and no final judicial finding of inadequacy of the prior EIS has been made.

### **Subpart G--Environmental Review Process: Procedures for Draft, Final and Supplemental Environmental Impact Statements**

#### Sec. 58.55 Notice of intent to prepare an EIS.

As soon as practicable after the responsible entity decides to prepare an EIS, it must publish a NOI/EIS, using the HUD recommended format and disseminate it in the same manner as required by 40 CFR parts 1500 through 1508.

#### Sec. 58.56 Scoping process.

The determination on whether or not to hold a scoping meeting will depend on the same circumstances and factors as for the holding of public hearings under Sec. 58.59. The responsible entity must wait at least 15 days after disseminating or publishing the NOI/EIS before holding a scoping meeting.

#### Sec. 58.57 Lead agency designation.

If there are several agencies ready to assume the lead role, the responsible entity must make its decision based on the criteria in 40 CFR 1501.5(c). If the responsible entity and a Federal agency are unable to reach agreement, then the responsible entity must notify HUD (or the State, where applicable). HUD (or the State) will assist in obtaining a determination based on the procedure set forth in 40 CFR 1501.5(e).

#### Sec. 58.59 Public hearings and meetings.

(a) Factors to consider. In determining whether or not to hold public hearings in accordance with 40 CFR 1506.6, the responsible entity must consider the following factors:

- (1) The magnitude of the project in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of resources involved.
- (2) The degree of interest in or controversy concerning the project.
- (3) The complexity of the issues and the likelihood that information will be presented at the hearing which will be of assistance to the responsible entity.

(4) The extent to which public involvement has been achieved through other means.

(b) Procedure. All public hearings must be preceded by a notice of public hearing, which must be published in the local news media 15 days before the hearing date. The Notice must:

- (1) State the date, time, place, and purpose of the hearing or meeting.
- (2) Describe the project, its estimated costs, and the project area.
- (3) State that persons desiring to be heard on environmental issues will be afforded the opportunity to be heard.
- (4) State the responsible entity's name and address and the name and address of its Certifying Officer.
- (5) State what documents are available, where they can be obtained, and any charges that may apply.

#### Sec. 58.60 Preparation and filing of environmental impact statements.

(a) The responsible entity must prepare the draft environmental impact statement (DEIS) and the final environmental impact statements (FEIS) using the current HUD recommended format or its equivalent.

(b) The responsible entity must file and distribute the (DEIS) and the (FEIS) in the following manner:

- (1) Five copies to EPA Headquarters;
- (2) Five copies to EPA Regional Office;
- (3) Copies made available in the responsible entity's and the recipient's office;
- (4) Copies or summaries made available to persons who request them; and
- (5) FEIS only--one copy to State, HUD Field Office, and HUD Headquarters library.

(c) The responsible entity may request waivers from the time requirements specified for the draft and final EIS as prescribed in 40 CFR 1506.6.

(d) When substantial changes are proposed in a project or when significant new circumstances or information becomes available during an environmental review, the recipient may prepare a supplemental EIS as prescribed in 40 CFR 1502.9.

(e) The responsible entity must prepare a Record of Decision (ROD) as prescribed in 40 CFR 1502.2.

### **Subpart H--Release of Funds for Particular Projects**

Sec. 58.70 Notice of intent to request release of funds.

The NOI/RROF must be disseminated and/or published in the manner prescribed by Sec. 58.43 and Sec. 58.45 before the certification is signed by the responsible entity.

Sec. 58.71 Request for release of funds and certification.

(a) The RROF and certification shall be sent to the appropriate HUD Field Office (or the State, if applicable), except as provided in paragraph (b) of this section. This request shall be executed by the Certifying Officer. The request shall describe the specific project and activities covered by the request and contain the certification required under the applicable statute cited in Sec. 58.1(b). The RROF and certification must be in a form specified by HUD.

(b) When the responsible entity is conducting an environmental review on behalf of a recipient, as provided for in Sec. 58.10, the recipient must provide the responsible entity with all available project and environmental information and refrain from undertaking any physical activities or choice limiting actions until HUD (or the State, if applicable) has approved its request for release of funds. The certification form executed by the responsible entity's certifying officer shall be sent to the recipient that is to receive the assistance along with a description of any special environmental conditions that must be adhered to in carrying out the project. The recipient is to submit the RROF and the certification of the responsible entity to HUD (or the State, if applicable) requesting the release of funds. The recipient must agree 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.

(c) If the responsible entity determines that some of the activities are exempt under applicable provisions of this part, the responsible entity shall advise the recipient that it may commit funds for these activities as soon as programmatic authorization is received. This finding shall be documented in the ERR maintained by the responsible entity and in the recipient's project files.

Sec. 58.72 HUD or State actions on RROFs and certifications.

The actions which HUD (or a State) may take with respect to a recipient's environmental certification and RROF are as follows:

(a) In the absence of any receipt of objection to the contrary, except as provided in paragraph (b) of this section, HUD (or the State) will assume the validity of the certification and RROF and will approve these documents after expiration of the 15-day period prescribed by statute.

(b) HUD (or the State) may disapprove a certification and RROF if it has knowledge that the responsible entity has not complied with the items in Sec. 58.75, or that the RROF and certification are inaccurate.

(c) In cases in which HUD has approved a certification and RROF but subsequently learns (e.g., through monitoring) that the recipient violated Sec. 58.22 or the recipient or responsible entity otherwise failed to comply with a clearly applicable environmental authority, HUD shall impose appropriate remedies and sanctions in accord with the law and regulations for the program under which the violation was found.

Sec. 58.73 Objections to release of funds.

HUD (or the State) will not approve the RROF for any project before 15 calendar days have elapsed from the time of receipt of the RROF and the certification or from the time specified in the notice published pursuant to Sec. 58.70, whichever is later. Any person or agency may object to a recipient's RROF and the related certification. However, the objections must meet the conditions and procedures set forth in subpart H of this part. HUD (or the State) can refuse the RROF and certification on any grounds set forth in Sec. 58.75. All decisions by HUD (or the State) regarding the RROF and the certification shall be final.

Sec. 58.74 Time for objecting.

All objections must be received by HUD (or the State) within 15 days from the time HUD (or the State) receives the recipient's RROF and the related certification, or within the time period specified in the notice, whichever is later.

Sec. 58.75 Permissible bases for objections.

HUD (or the State), will consider objections claiming a responsible entity's noncompliance with this part based only on any of the following grounds:

- (a) The certification was not in fact executed by the responsible entity's Certifying Officer.
- (b) The responsible entity has failed to make one of the two findings pursuant to Sec. 58.40 or to make the written determination required by Secs. 58.35, 58.47 or 58.53 for the project, as applicable.
- (c) The responsible entity has omitted one or more of the steps set forth at subpart E of this part for the preparation, publication and completion of an EA.
- (d) The responsible entity has omitted one or more of the steps set forth at subparts F and G of this part for the conduct, preparation, publication and completion of an EIS.
- (e) The recipient has committed funds or incurred costs not authorized by this part before release of funds and approval of the environmental certification by HUD or the State.
- (f) Another Federal agency acting pursuant to 40 CFR part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Sec. 58.76 Procedure for objections.

A person or agency objecting to a responsible entity's RROF and certification shall submit objections in writing to HUD (or the State). The objections shall:

- (a) Include the name, address and telephone number of the person or agency submitting the objection, and be signed by the person or authorized official of an agency.
- (b) Be dated when signed.
- (c) Describe the basis for objection and the facts or legal authority supporting the objection.
- (d) State when a copy of the objection was mailed or delivered to the responsible entity's Certifying Officer.

Sec. 58.77 Effect of approval of certification.

(a) Responsibilities of HUD and States. HUD's (or, where applicable, the State's) approval of the certification shall be deemed to satisfy the responsibilities of the Secretary under NEPA and related provisions of law cited at Sec. 58.5 insofar as those responsibilities relate to the release of funds as authorized by the applicable provisions of law cited in Sec. 58.1(b).

(b) Public and agency redress. Persons and agencies seeking redress in relation to environmental reviews covered by an approved certification shall deal with the responsible entity and not with HUD. It is HUD's policy to refer all inquiries and complaints to the responsible entity and its Certifying Officer. Similarly, the State (where applicable) may direct persons and agencies seeking redress in relation to environmental reviews covered by an approved certification to deal with the responsible entity, and not the State, and may refer inquiries and complaints to the responsible entity and its Certifying Officer. Remedies for noncompliance are set forth in program regulations.

(c) Implementation of environmental review decisions. Projects of a recipient will require post-review monitoring and other inspection and enforcement actions by the recipient and the State or HUD (using procedures provided for in program regulations) to assure that decisions adopted through the environmental review process are carried out during project development and implementation.

(d) Responsibility for monitoring and training. (1) At least once every three years, HUD intends to conduct in-depth monitoring and exercise quality control (through training and consultation) over the environmental activities performed by responsible entities under this part. Limited monitoring of these environmental activities will be conducted during each program monitoring site visit. If through limited or in-depth monitoring of these environmental activities or by other means, HUD becomes aware of any environmental deficiencies, HUD may take one or more of the following actions:

- (i) In the case of problems found during limited monitoring, HUD may schedule in-depth monitoring at an earlier date or may schedule in-depth monitoring more frequently;
- (ii) HUD may require attendance by staff of the responsible entity at HUD-sponsored or approved training, which will be provided periodically at various locations around the country;
- (iii) HUD may refuse to accept the certifications of environmental compliance on subsequent grants;
- (iv) HUD may suspend or terminate the responsible entity's assumption of the environmental review responsibility;
- (v) HUD may initiate sanctions, corrective actions, or other remedies specified in program regulations or agreements or contracts with the recipient.

(2) HUD's responsibilities and action under paragraph (d)(1) of this section shall not be construed to limit or reduce any responsibility assumed by a responsible entity with respect to any particular release of funds under this part. Whether or not HUD takes action under paragraph (d)(1) of this section, the Certifying Officer remains the responsible Federal official under Sec. 58.13 with respect to projects and activities for which the Certifying Officer has submitted a certification under this part.

## ATTACHMENT 17

### INSTRUCTIONS FOR COMPLETING THE FORMAT II ENVIRONMENTAL ASSESSMENT

#### General Instructions

Read pages VI-3 to VI-10 of the NSP Implementation Handbook to understand when an Environmental Assessment must be completed. Depending on the nature of your project, all or only a portion of the following document must be completed. Pages VI-84 through VI-91 must be completed by all grantees, whether their community's project is categorically excluded or requires an Environmental Assessment; the second section (pages VI-94 thru VI-100) is required only of those grantees whose projects require an Environmental Assessment. Note, however, that page VI-101 must be signed by all grantees.

The following remarks refer to sections found on the page indicated of the Environmental Assessment (Format II).

**Brief Description of Project's Activities (VI-85):** Describe how you will actually spend the money in general terms. An example would be:

"Funds for the proposed NSP project will be used to weatherize up to 20 deteriorated homes in Grantville's target neighborhood. Repairs will include: siding, insulating, roofing, and the installation of energy-efficient windows. Homes will be selected from income-eligible applicants."

**Brief Description of Project Site (VI-86):** Where will the project take place? Describe the neighborhood (residential?, commercial?, mixed?); the terrain (near a river?, on a steep hill?); the age (newer, older?); and any other details that would be important to know in evaluating the project.

**Statement of Activities (VI-87):** Describe the project in one phrase ("rehab of 1 to 4 unit residences"), and state under which section of the federal regulations the project is eligible (24 CFR 58.\_\_\_\_). Indicate whether the project is exempt, categorically excluded, or requires an environmental assessment.

**Density Impact Determination (VI-88):** Answer the questions as indicated. Your answers will tell you whether a full Environmental Assessment is required, or whether your project is categorically excluded. If your project requires an Environmental Assessment, then pages VI-84 thru VI-101 must be completed. If your project is categorically excluded, pages VI-84 thru VI-91, and page VI-101 must be completed.

**Statutory Checklist (VI-89):** Complete each area of compliance. Include a brief phrase describing how you reached your determination.

For Historic Preservation, you will be in compliance if you submit all properties 50 years of age or older to DHCD for review by the State Historic Society, when activities are not found on the "Activities Exempt from Further Review" list (Attachment 9).

For Floodplain Management, you will be in compliance if you refrain from substantial rehab (as defined) on properties found in the 100-year floodplain.

For Wetland Protection, you will be in compliance if you avoid any construction or other activity that directly or indirectly affects designated wetlands.

For Coastal Zone Management, you will be in compliance if you avoid activities either on the shorelines of, or on streams that flow into, Lakes Michigan and Superior. If such conditions occur, you must consult with the Regional Planning Commission which has jurisdiction in your area.

Water Quality/Sole Source Aquifers: Does not apply to Wisconsin.

Endangered Species. You will be in compliance if you avoid activities that threaten endangered species or their habitats.

Wild and Scenic Rivers. You will be in compliance if you avoid projects along either the Wolf, Upper or Lower St. Croix, or any of the river segments listed in the inventory (Attachment 13).

Air Quality. You will be in compliance if you do not undertake any projects that either increase the amount of air pollution or subject residents to excessive levels of air pollution.

Farmland Protection. You will be in compliance if you avoid construction that represents the first such activity in a previously-zoned agricultural area.

Noise. You will be in compliance if you determine the number of vehicles on highways adjacent to, or in a direct line of sight to, the project site, and if you consider noise buffering measures if the counts exceed 10,000 vehicles.

Runway Clear Zones. You will be in compliance if the proposed project site is not found on HUD letter HD-8 (Attachment 14).

Thermal/Explosive Hazards. You will be in compliance if you consult with the Inspector of your local fire department and determine that your project site is a safe distance from above-ground propane storage tanks or other industrial facilities containing thermal or explosive hazards.

Water Quality. You will be in compliance if your projects do not affect the rivers, streams, lakes or wetlands, either by dredging, filling, or discharging effluents.

Solid Waste. You will be in compliance if your project does not substantially increase pressure on existing landfills or generate hazardous waste. If your project entails the removal of lead-based paint or asbestos, you are in compliance if you dispose of them according to local and state statutes.

Manmade Hazards. You will be in compliance if your project sites aren't affected directly or indirectly by such hazards as leaking underground storage tanks, spills of hazardous materials, hazardous waste storage or disposal facilities, or similar areas of concern.

Summary of Findings and Conclusions (VI-90). A brief statement whether your project is in compliance with all applicable laws, statutes, and authorities pertaining to environmental review, or whether further action must be taken to ensure compliance.

Summary of Environmental Conditions (VI-89). A brief statement of what the beneficial impacts of the project will be (such as the provision of affordable housing to low-income residents, etc.) and what, if any, adverse impacts will occur, and how they will be treated.

Project Modifications and Alternatives Considered (VI-89). If the project were done in a different way that would reduce or eliminate specific impacts, describe those here.

Additional Studies Performed (VI-89). If any studies have been performed as part of the project planning (such as environmental studies, archeological surveys, etc.), list them here, and attach a copy to the Environmental Assessment.

Mitigation Measures Needed (VI-89). What you will do as a grantee to mitigate adverse impacts, such as: submitting potentially historic properties for review; including noise-buffering measures on properties subject to excessive noise, etc.

## EXHIBITS

Attached to EA should be several exhibits/attachment.

- Exhibit 1. Copies of correspondence (to and from) as well as any telephone logs.
- Exhibit 2. Copy of the published Request for Release of Funds notice, or the combined notice.
- Exhibit 3. List of agencies to which copies of the combined notice were sent.
- Exhibit 4. Copy of the "Request For Release of Funds" (Attachment 6).
- Exhibit 5. When received, add the original of the Division's letter certifying the project for compliance with the Federal Environmental Regulations. This will be completed by the Division and mailed to the grantee after the EA has been completed, the notice published, the RROF submitted to the Division, and a 15-day review period has past. It is only at this time that you may begin their project and begin incurring costs. The original EA should be kept with the other project files, in the community.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Neighborhood Stabilization Program (NSP)

## **ENVIRONMENTAL REVIEWS AT THE COMMUNITY LEVEL**

### **ENVIRONMENTAL REVIEW RECORD**

FORMAT II

ENVIRONMENTAL  
ASSESSMENT

PROJECT: \_\_\_\_\_

PROGRAM: \_\_\_\_\_

# **ENVIRONMENTAL REVIEW RECORD**

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Request for Release of Funds and Certification (HUD 7015.15)

DHCD Environmental Certification/Release of Funds or Environmental  
Certification/Conditional Approval Letter

List of Public Notice Recipients

Additional Studies or Analyses Related to Funded Project Activities

## **PROJECT DESCRIPTION**

### **BRIEF DESCRIPTION OF THE PROJECT'S ACTIVITIES:**

### **BRIEF DESCRIPTION OF THE PROJECT SITE AND IMMEDIATE AREA:** (Include a map locating specific site and/or program areas)



## DENSITY IMPACT DETERMINATION

A project is **Categorically Excluded** and does not require an environmental assessment IF the following conditions are met:

- For the rehabilitation of multi-family residential buildings ( $\geq 5$  units)[58.35 (a)(3)(i)]:
  - A. The unit density is not changed more than 20%.  
 YES       NO
  - B. The project does not involve change in land use from residential to non-residential.  
 YES       NO
  - C. The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation.  
 YES       NO
- For the rehabilitation of non-residential buildings, including commercial, industrial, and public buildings, and improvements [58.35 (a)(3)(ii)]:
  - A. The facilities and improvements are in place and will not be changed in size or capacity by more than 20%.  
 YES       NO
  - 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.  
 YES       NO
- An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site [58.35 (a)(4)].  
 YES       NO
- Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or disposed of land will be retained for the same use [58.35 (a)(5)].  
 YES       NO

If you answered "No" to any of these statements, an Environmental Assessment (EA) is required under the National Environmental Policy Act (NEPA).

Complete the entire EA document pages VI-86 through VI-102).

**STATUTORY CHECKLIST**  
 Checklist of Applicable Statutes and Regulations

Area of Statutory--Regulatory Compliance  (Precise citations for applicable statutes and regulations are printed on the back of this Checklist. Full discussion of each is provided in Appendix B of this Guide.)		Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals. Permits Obtained	Conditions and/or Mitigation Actions Required*	Note Compliance Documentation
Historic Properties							
Floodplain Management							
Wetlands Protection							
Coastal Areas Protection and Management							
Water Quality: Sole Source Aquifers							
Endangered Species							
Wild and Scenic Rivers							
Air Quality							
Farmland Protection							
Noise							
Runway Clear Zones, Clear Zones and Accident Potential Zones							
Thermal and Explosive Hazards							
Water Quality							
Solid Waste Disposal							
Manmade Hazards							

\* Attach evidence that required actions have been taken.

**SUMMARY OF FINDINGS AND CONCLUSIONS:**

**SUMMARY OF ENVIRONMENTAL CONDITIONS:**

**PROJECT MODIFICATIONS AND ALTERNATIVES CONSIDERED:**

**ADDITIONAL STUDIES PERFORMED:**  
(Attach Study or Summary)

**MITIGATION MEASURES NEEDED:**

DETERMINATION OF CATEGORICAL EXCLUSION OR ENVIRONMENTAL ASSESSMENT

1. Is this project in compliance with applicable Laws and Authorities?

YES

NO

2. Is an Environmental Assessment required?

YES

NO

**COMPLETE THE FOLLOWING PAGES WHEN A FULL  
ENVIRONMENTAL ASSESSMENT IS REQUIRED UNDER 24 CFR  
PART 58**

## ENVIRONMENTAL ASSESSMENT CHECKLIST

### **Instructions**

**When to use this form:** This section of the ERR is to be filled out for those projects that are characterized as requiring an Environmental Assessment (EA). These are projects that cannot be classified as either exempt (58.34) or categorically excluded (58.35) under HUD environmental regulations. This checklist should cover the project as a whole, not individual sites within a larger project. However, if a project contains two or more elements that are distinctive such that the underlying environmental conditions are different, then it may be appropriate to complete a checklist for each project sub-component.

**Purpose of this form:** The purpose of the EA is to assure that the proposed project is in compliance with applicable planning standards. The information gathered in this section should be sufficient to indicate potential violations of environmental laws, whether or not the project is incompatible with an established plan, or whether it fails to meet an established standard. Where there is incompatibility between the project and an established plan or standard, this section provides for the opportunity to analyze the problem, to determine whether or not to proceed with the project and to explain why decisions are made. The EA provides supporting documentation and a clear rationale and justification for the decision-making process.

It is important to examine the project with reference to the effect it has on each of the environmental areas listed on this form. The purpose of this analysis is to determine if the site and the surrounding area represent a suitable environmental for the project, especially if residents are involved.

**Site visits:** It may be useful to fill portions of this form either during or after a site visit. For example, Questions 4, 7, 8, 10, 11, 12, and 13 contain numerous questions designed to assist you in determining whether a particular site contains potential environmental problems. These questions can best be answered by a site visit.

Other questions are designed to ensure that the proposed project is in compliance with statutory and policy requirements of federally funded housing programs. As such, these questions build on the statutory checklist of the ERR.

**Documenting your answers:** You must document your responses to all questions. Documentation may include letters from appropriate agencies (such as a regional planning commission, the Fish & Wildlife Service, or others). Not all questions will be applicable to a given project. For example, questions concerning the coastal zone will apply only to projects found in counties that border Lakes Michigan and Superior.

**For assistance:** Please contact the Environmental Desk of the Division of Housing and Community Development if you have questions or are unsure how to answer any of the questions found in the EA.

## ENVIRONMENTAL ASSESSMENT CHECKLIST

### 1. Planning Findings

Is the project in compliance or conformance with local zoning?

Yes  No  Not Applicable (If no or not applicable, explain) \_\_\_\_\_

Is the project located within a coastal zone (CZ)? (Douglas, Bayfield, Ashland, Marinette, Oconto, Brown, Door, Kewaunee, Manitowoc, Sheboygan, Ozaukee, Milwaukee, Racine, and Kenosha counties)

Yes  No  Not Applicable

If your answer is YES, the appropriate regional planning commission must make a finding that the project is consistent with the approved State CZ management program.

Is the RPC's finding attached to this checksheet?

Yes  No

Is the project in compliance with the air quality State Implementation Plan (SIP)?

Yes  No  Not Applicable

Comments: \_\_\_\_\_

Source documentation: \_\_\_\_\_

Are there any unresolved conflicts concerning the use of the site?

Yes  No

If your answer is YES, briefly explain: \_\_\_\_\_

\_\_\_\_\_

### 2. Flood Management (24 CFR Part 55) (see pages VI-14 and VI-15 of the NSP Implementation Handbook)

Is the project located within a floodplain designated on a current FEMA flood map?

Yes  No Identify FEMA flood map used to make this finding:

Community Name and Number: \_\_\_\_\_

Map Panel Number and Date of Map Panel: \_\_\_\_\_

If your answer is YES, then only minor rehab may be done without a floodplain review (see pages VI-14 and VI-15 for a review of floodplain management procedures) .

Comments: \_\_\_\_\_

Source of documentation: (attach § 55.20 analysis) \_\_\_\_\_

\_\_\_\_\_

### 3. Historic Preservation (see page VI-11 of the NSP Implementation Handbook)

a. Have you contacted the DHCD Environmental Review Desk to determine what procedures should be used for historic properties?

Yes  No

b. Are any properties known to be listed on or eligible for listing on the National Register of Historic Places?

Yes  No

c. Are any properties located within or directly adjacent to an historic district?

Yes  No

d. Does the project's area of potential effects include a known historic district or property?

Yes  No

If your answer to b., c., or d. is YES, consult with the DHCD Environmental Desk.

Comments: \_\_\_\_\_

\_\_\_\_\_

Source of documentation: \_\_\_\_\_

\_\_\_\_\_

**4. Noise Abatement** (see pages VI-13 and VI-14 of the NSP Implementation Handbook)

Is the project located near a major noise source, i.e., civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet)?

Yes  No

If your answer is YES, comply with 24 CFR 51, Subpart B, which requires a noise assessment for proposed new construction. Contact DHCD Environmental Desk for assistance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Hazardous Industrial Operations** (see page VI-17 of the NSP Implementation Handbook)

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

If your answer is YES, use HUD Hazards Guide and comply with 24 CFR Part 51, Subpart C. Contact DHCD Environmental Desk for assistance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
Source documentation: \_\_\_\_\_  
\_\_\_\_\_

**6. Airport Hazards** (see page VI-12 and Attachment 14 of the NSP Implementation Handbook)

Is the project within 3,000 feet from the end of a runway at a civil airport?

Yes  No

Is the project within 2½ miles from the end of a runway at a military airfield?

Yes  No

If your answer is YES to either of the above questions, comply with 24 CFR Part 51, Subpart D, by consulting HUD Circular letter HD 85-8, and notify residents of such properties in accordance with Attachment 15.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
Source documentation: \_\_\_\_\_  
\_\_\_\_\_

**7. Protection of Wetlands** (E.O. 11990) (see pages VI-15 and VI-16 of the NSP Implementation Handbook)

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

For projects proposing new construction and/or filling, the following applies:

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

Yes  No

If your answer is YES, E.O. 11990, Protection of Wetlands, discourages Federal funding of new construction or filling in wetlands, and compliance is required with the wetlands decisionmaking process (§ 55.20 of 24 CFR Part 55). Use proposed Part 55 published in the Federal Register on January 1, 1990 for wetland procedures. Contact DHCD Environmental Desk for assistance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
Source documentation: (attach § 55.20 analysis for new construction and/or filling) \_\_\_\_\_  
\_\_\_\_\_

**8. Toxic Chemicals and Radioactive Materials** (see page VI-12 of the NSP Implementation Handbook)

For projects proposing new construction:

Has a Phase I (ASTM) Report been submitted and reviewed?

Yes  No

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

For all projects:

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 the Grantee, the seller or the buyer being determined to be a Potential Responsible Party (PRP)?

Yes  No

Comments: \_\_\_\_\_  
\_\_\_\_\_

Source documentation: \_\_\_\_\_  
\_\_\_\_\_

**9. Other**

**a. Endangered Species**

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

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 within Section 7 of the Endangered Species Act, which mandates consultation with the Fish and Wildlife Service in order to preserve the species.

Comments: \_\_\_\_\_  
\_\_\_\_\_

Source documentation: \_\_\_\_\_  
\_\_\_\_\_

**b. Farmlands Protection**

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

Yes  No

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

Comments: \_\_\_\_\_  
\_\_\_\_\_

Source documentation: \_\_\_\_\_  
\_\_\_\_\_

**c. 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 decisionmaking process (§ 55.20) is required for any project that exceeds the definition of minor rehab (refer to item 2 above). Document the map used to determine Special Flood Hazard Area in above item #2 pertaining to community name and number, map panel numbers and date of map panel.

**d. 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? Such effects may include greater dependency on their surrounding environment (e.g., subsistence living); greater susceptibility to pollution and environmental degradation (e.g., reduced access to health care); and less mobility (e.g., unable to relocate to avoid potential impacts).

Yes  No

If your answer is YES, compliance is required with E.O. 12989, Federal Actions to Address Environmental Justice. Contact the DHCD Environmental Desk for assistance.

Comments: \_\_\_\_\_

Source documentation: \_\_\_\_\_

**10. 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: \_\_\_\_\_

**11. Site Suitability, Access, and Compatibility with Surrounding Development**

Has the site 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
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"/>	cement plants	<input type="checkbox"/>	<input type="checkbox"/>
incinerators	<input type="checkbox"/>	<input type="checkbox"/>	large parking facilities (1,000 or more cars)	<input type="checkbox"/>	<input type="checkbox"/>
power generating plants	<input type="checkbox"/>	<input type="checkbox"/>	heavy travelled highway (6 or more lanes)	<input type="checkbox"/>	<input type="checkbox"/>
oil refineries	<input type="checkbox"/>	<input type="checkbox"/>	other _____	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_  
\_\_\_\_\_

Source documentation: \_\_\_\_\_  
\_\_\_\_\_

## 12. 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 the project site or the area?

Yes  No

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

Are there active rills and gullies on site?

Yes  No

If the site is not to be served by municipal waste water disposal system, has a report of the soil conditions suitable for on-site septic systems been submitted?

Yes  No  Not Applicable

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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**13. 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, 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 built hazards and nuisances:

	Yes	No		Yes	No
hazardous street	<input type="checkbox"/>	<input type="checkbox"/>	inadequate screened drainage catchments	<input type="checkbox"/>	<input type="checkbox"/>
dangerous intersection through traffic	<input type="checkbox"/>	<input type="checkbox"/>	hazards in vacant lots	<input type="checkbox"/>	<input type="checkbox"/>
inadequate separation of pedestrian/vehicle traffic	<input type="checkbox"/>	<input type="checkbox"/>	chemical tank-car terminals	<input type="checkbox"/>	<input type="checkbox"/>
children's play area located next to freeway or other high traffic way	<input type="checkbox"/>	<input type="checkbox"/>	other hazardous chemical storage	<input type="checkbox"/>	<input type="checkbox"/>
inadequate street lighting	<input type="checkbox"/>	<input type="checkbox"/>	high-pressure gas or liquid petroleum transmission lines on site	<input type="checkbox"/>	<input type="checkbox"/>
quarries or other excavations	<input type="checkbox"/>	<input type="checkbox"/>	overhead transmission lines	<input type="checkbox"/>	<input type="checkbox"/>
dumps/sanitary landfills or mining	<input type="checkbox"/>	<input type="checkbox"/>	hazardous cargo transportation routes	<input type="checkbox"/>	<input type="checkbox"/>
railroad crossing	<input type="checkbox"/>	<input type="checkbox"/>	oil or gas wells	<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"/>	unsightly 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**14. Water, Supply, Sanitary Sewers, and Solid Waste Disposal**

Is the site served by an adequate and acceptable:

- water supply  
 Yes  No  Municipal  Private  
 sanitary sewers and waste water disposal systems  
 Yes  No  Municipal  Private  
 and 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: \_\_\_\_\_

**15. Conditions and Requirements for Approval:**

Are mitigation measures required?

Yes  No

If your answer is YES, list and describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brief description of the Project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IMPACT CERTIFICATION

\_\_\_ A FINDING OF NO SIGNIFICANT IMPACT has been made for this project for the following reason (check one)

\_\_\_ 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.

I find that this project is not a major federal action which will have a significant effect on the human environment and that a request to HUD for the release of project funds will not require an Environmental Impact Statement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Chief Elected Official

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

I find that this project is a major federal action which may or will have a significant effect on the human environment and that a request to HUD for the release of project funds will require an Environmental Impact Statement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Chief Elected Official