

ENVIRONMENTAL REVIEW

All CDBG 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. This chapter will discuss NEPA and other statutes, Executive Orders and regulations dealing with a number of specific concerns to improve decision-making process.

Regulations are found in the Environmental Review Procedures for Entitles Assuming HUD Environmental Responsibilities - 24 CFR Part 58 and also found in Attachments to this chapter. 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 DOH with accurate information about project sites. The Grantee has a legal responsibility for meeting all environmental review requirements stated in the CDBG contract.

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Environmental Review

The CDBG grant recipient must prepare an ENVIRONMENTAL REVIEW RECORD (ERR). The 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 CDBG funds.

The Department of Administration (DOA) and the Division of Housing (DOH) cannot release CDBG contract funds until the environmental review process is complete, and an award and contract are in place.

Exceptions to the above are:

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

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

The flowchart "Environmental Review Procedures" found in attachments is your overall guide through the process. It provides references to 24 CFR Part 58. The other attachments are explanatory material or forms which apply 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. This requirement can be met by consulting with them at two specific points in the review process (see below).

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

EXEMPT ACTIVITIES

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

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

However, exempt activities 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 a Request for Release of Funds (“RROF”) and certification for exempt projects.

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

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. Categorical exclusions are of two types:

1. Categorical exclusions subject to Sec. 58.5 [(58.35(a))]. These activities are categorically excluded under NEPA, but are subject to review under authorities listed in Sec. 58.5 (the Statutory Checklist). In general, they include:
 - a. Reconstruction or rehabilitation of public facilities when the facilities are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

- b. Removal of architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
 - c. Rehabilitation of buildings and improvements when the following conditions are met:
 - d. Unit density is not changed more than 20 percent (multi-family buildings, commercial, industrial, and public buildings).
 - e. The project does not involve changes in land use from residential to non-residential.
 - f. An individual action on a one- to four-family dwelling.
 - g. 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.
 - h. Combinations of the above activities.
2. Categorical exclusions not subject to the Statutory Checklist (Sec. 58.5). These categorically excluded activities do not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in Sec. 58.5 These projects include:
- a. economic development activities not involving construction or expansion;
 - b. 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 citing the appropriate section of 58.35 (b) and complete the Determination of Environmental Status (see attachments).

Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and 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:

- ✓ 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.
- ✓ The Statutory Checklist, which assures that the CDBG 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 CDBG project. Agencies which you will need to contact will vary with each project. To determine which to contact, review Attachments, which will assist you in determining whom it will be necessary to contact.

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 CDBG 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 (min. 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.

When this step is complete, the CDBG grantee will take action based on comments received from the state and federal agencies contacted.

If only positive comments (or no comments) were received:

- ✓ Complete the Environmental Review Record using the instructions found in attachment section:
 - ⇒ 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 supporting documentation, including copies of maps, correspondence, a 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).
 - ✓ Obtain signed and notarized affidavit of publication of NOIRROF from newspaper.

The grantee must also send copies of the notices to the same agencies that were consulted in the review immediately after local publication of notices.

After the 7-day local review period has passed, the grantee will send to DOH:

- ⇒ 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.

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

However, if comments were received stating there is a potential impact to the environment, or that further action by the CDBG grantee is recommended or required, then the following must be done:

- 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 DOH to discuss the options available.

DOH 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 Categorically Excluded projects as well as the calculation of the required 24-day review period.

If the notices and request for release of funds were properly executed, DOH 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.

Environmental Assessment

Overview

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

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

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

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

After analysis, the grantee will make an “Impact Certification” finding which will state that either:

1. The release of funds is an action significantly affecting the quality of the human environment. In this case a Notice of Intent to File an Environmental Impact Statement would have to be published and 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 DOH 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, complete the Environmental Assessment Checklist, then 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 DOH'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 to determine whether a given project will or will not have a significant impact on the human environment, the grantee must complete the EA document. This includes both the ERR portion of the document, plus the Environmental Assessment Checklist. When complete, the final document will include a detailed analysis of the potentially significant issues identified in both the Statutory Checklist and the Environmental Assessment Checklist, plus recommendations for project modifications, safeguards, or mitigation measures.

The EA Checklist covers major impact areas of regulatory concern, many of which will have already been reviewed summarily in the statutory checklist. The major purpose of the checklist is to identify and analyze categories of potentially significant impact at a level appropriate to the scale of the project. The EA checklist can expedite the environmental review process by avoiding

wasted energy in data collection and report writing. If used correctly, it will expedite the environmental review process and assist you in identifying those areas where potential problems may exist.

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.

When in doubt as to the meaning of a specific question, contact DOH.

Contacts for Assistance	For Help with (examples):
Wisconsin Division of Housing with	General assistance ERR, EA, noise, storage tanks, historic
City or Village Public Works Department	Water & sewer
Village Hall and Town Hall	Zoning
Department of Planning and Zoning	Floodplains, utilities
County Courthouses	Zoning
UW-Extension	Farmland, planning
County Departments of Human Services	Income and minority populations
Regional Planning Commissions management	Coastal zone
Soil Conservation Service County Offices	Soils questions
County Highway Departments or WI DOT	Traffic counts

Dept. of Natural Resources District Offices	Wetlands,
Contamination	
Community Action Agencies	Minority Populations

PUBLICATION OF ENVIRONMENTAL ASSESSMENT NOTICES

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

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

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

Immediately after local publication of notices, the grantee will send copies of the notices to whichever of the agencies listed on Attachment 3 are relevant. DOH will 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)] to DOH.

If the notices and RROF were properly executed, DOH 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.

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

- 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 DOH Environmental Desk, Regional Planning Commissions, the U.S. Fish & Wildlife Service, and other authorities.
- b. An Environmental Assessment, 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).

Tiering the Environmental Review Record (ERR)

CDBG grantees with activities classified as Categorically Excluded, or activities requiring an Environmental Assessment (EA) may choose to “tier” their environmental reviews. 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 the general discussions and conclusions of the broader environmental review. Any areas not documented for specific properties, such as historic preservation or floodplain analysis, will receive compliance documentation in the second tier. 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 CDBG grantees make use of the two-tiered approach.

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

General Procedures:

- a. Fill out a copy of Attachment 7, the Statutory Checklist for each property funded under the community's grant. A copy of this form should be placed in each project file.
- b. Attach a map of the site.
- c. 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.
- d. The second tier should be mentioned in the public notice.
- e. Second Tier Reviews of Historic Properties:
 - i. 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 DOH. No work should occur on any structure funded under the CDBG program until approval by DOH is received
 - ii. If any new ground-disturbing activities are planned, a copy of Attachment 11 (Archeological Review) should be completed and submitted to DOH. Copies of notices (if any) should be sent to nearby Indian tribes.

Problems to avoid

1. Incurring costs before environmental certification!! There are some exceptions, but contact the Division of Housing 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. Remember, categorically excluded activities do not require an EA. While the EA may provide more information to decision-makers and the public, it is not legally required and 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.

ER program implementation responsibilities

Statutory Checklist

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

Historic Review Procedures

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

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

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

If your community is rural or unincorporated, include the Town, Range and Section on the Initial Project Review form. The accuracy of information you supply makes a difference in how long it takes to review your project.

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.

If you questions about any aspect of the historic review process, please call the DOH Environmental Desk at 608-267-2712.

Any projects that propose demolition, relocation, new construction, capital improvements and/or ground disturbance must review. No work other than activities listed as exempt shall be undertaken until DOH has had 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.

Special review procedures are used for communities with intensive surveys. Please contact DOH for specific instructions.

NOTE: DOH has negotiated a new Programmatic Agreement with the Wisconsin Historical Society, in effect as of July 2013. The new PA will govern the reviews of the small number of projects that are determined to have adverse effects on properties eligible for inclusion in the National Register of Historic Places. The procedures may require consultation with the Advisory Council on Historic Places and changes in project design. In these cases such consultation will require assistance from grantees to gather historical information. Please read Attachment 8 to better understand the new review process.

Archeological Review

All new construction projects require archeological review. If a project causes new ground disturbance and if the project cannot be characterized as repair, replacement, rehabilitation, or renovation of an existing building, you

must complete an Archeological Review form (Attachment 11). Accurate location descriptions, clear photos, and maps will help speed the review process. The review process is similar to that of historic properties. DOH will determine whether projects affect sites eligible for listing on the National Register, and whether adverse impacts will occur, and whether an archeological survey is required.

Coastal Zone Management

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

- ✓ 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 DOH.

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 zip code, is available at the following website address: <http://www.epa.gov/epahome/whereyoulive.htm> list of contaminated sites can be found at the following DNR website: <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do> If there is any question, consult with DOH 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 within one-quarter mile of industries using or storing hazardous chemicals are generally not suitable, due to the risk of chemical exposure. Housing sites where new construction is to occur must be evaluated to determine whether such hazards exist. In addition, active railroads are another kind of manufactured hazard, which exposes residents of nearby sites to risk through railroad accidents. Such sites should be avoided wherever possible.

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.

- a. 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 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. A new electronic tool created by HUD can be used to make calculations of traffic noise exposure. It can be found at the following address: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/dnlcalculatortool. 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 for major streets are available from DOT at the following address: <http://www.dot.wisconsin.gov/travel/counts/>. Remember that traffic counts do not exist for all streets. When counts do not exist, try to obtain a traffic count closest

to the location of the facility. Contact the Environmental Review desk at 608/267-2712 if you have further questions.

- b. Railroads. HUD's electronic noise calculator (above) can be used to calculate railroad noise. 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.
- c. 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 may be able to supply this information to you. The number of non-jet flights is not a factor in this calculation.
- d. 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.
- e. 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 Assessment questions

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 stationery 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 DOH for recommendations on specific noise abatement measures.

Floodplain Management

Use of CDBG funds for substantial rehab (defined as costing 50% or more of the before-rehab market value of the structure) on properties in the 100-year floodplain is discouraged by federal regulations.

Where such cases are unavoidable, please contact DOH for assistance. The Grantee's initial responsibility is to record the Flood Insurance Rate Map number (FIRM) for each such property. The floodplains for most sections of Wisconsin have been mapped by the Federal Emergency Management Agency (FEMA), through its Flood Insurance Rate Map (FIRM) program. Flood maps are available on-line at the following address: <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1> NOTE: Flood insurance will be required, in situations where funds originate from DOH, for one year from the date on which the loan is made. If a resident is unable to afford the cost of insurance, the grantee may purchase it. Owners and/or tenants must be notified if the property lies in a 100-year floodplain. Finally, the CDBG Small Cities program will fund rehab of such properties one time only. If a residence is subsequently flood damaged, the program will not pay for the same repair costs a second time.

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

notification of current and prospective tenants about the hazards and about the availability of flood insurance.

Executive Order 11988 requires federal agencies and recipients of federal funds to protect the values and benefits of floodplains, and to reduce risks of flood losses by not conducting, supporting, or allowing actions located in a floodplain unless it is the only practicable alternative. Whether a property is located in or near a floodplain depends on the nearness of drainage ways, streams, rivers or coastlines (in terms of horizontal distance), the volume of water, and the relative elevation of the floodplain and the affected property. If such features exist within one mile of the property, the location of the 100-year floodplain must be determined in Question 2 (below), as follows:

1. Are there drainage ways, 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.

Wetlands Protection

Grantees must obtain a permit from the Corps of Engineers before undertaking activities that affect wetlands. The term "wetland" refers to marshes, bogs, and other areas that are inundated at least seasonally. Other areas considered wetland are sloughs, wet meadows, river overflows and ponds. Avoiding such areas is strongly recommended. Wetlands in Wisconsin have been mapped by the DNR and are available at <http://dnrmapping.wi.gov/imf/imf.jsp?site=SurfaceWaterViewer.wetlands>

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
1. If the project site is located in or near a wetland area, will your project result in fill (such as topsoil, gravel, etc.) being placed in the wetland, or will it result in greatly increased usage of the wetland? If

the answer to either question is “yes,” further technical analysis may be required to determine if mitigating measures are necessary. ___
Yes ___ No

Executive Order 11990 requires all agencies to refrain from supporting construction in 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.

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.

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 wet-lands. This act also controls the discharge of effluents (such as treated sewage) into water. If any project plan includes such activities, contact DOH 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 for U.S. Fish and Wildlife Service is listed on Attachment 3. Fish & Wildlife Service
Endangered species website:
<http://www.fws.gov/midwest/endangered/lists/wisc-cty.html>

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 DOH 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 State of WI maintains a list of above-ground and underground storage tanks. The lists can be accessed through the following website: http://apps.commerce.wi.gov/ER_Tanks/ER-EN-TankSearch.htm

Consult with DOH for assistance in evaluating potential hazards.

Please review “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 DOH 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 DOH 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 DOH 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 DOH 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 DOH 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 DOH 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 DOH if no alternatives exist.

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

Environmental Desk
Department of Administration
Division of Housing
P. O. Box 7970
Madison, WI 53707-7970

ERR ATTACHMENTS TO FOLLOW.