

## VI. ENVIRONMENTAL REVIEW

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#### A. INTRODUCTION

All CDBG-EAP Projects, including those responding to emergencies, 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. Due to the need to expedite the reconstruction of homes and infra-structure damaged by natural disasters, the Department of Commerce in coordination with the Wisconsin Historical Society (WHS) and other agencies, has determined that participating jurisdictions applying for Community Development Block Grant-Emergency Assistance Program (CDBG-EAP) funds are subject to only a limited environmental review process.

However, when a CDBG-EAP project involves new construction, a complete Environmental Assessment will probably be necessary. Please contact the Commerce Environmental Desk for guidance.

#### B. IMPORTANCE OF THE ENVIRONMENTAL REVIEW RECORD (ERR)

An ERR is a compilation of assessment narratives, checklists, agency contacts and responses, maps and photographs pertaining to a variety of environmental issues. It is mandated by federal regulations found in 24 CFR Part 58. Commerce will prepare an ERR on behalf of each grant recipient requesting funds under the CDBG-EAP. Recipients are required to assist Commerce in the gathering of information pertinent to the preparation of the ERR.

CDBG-EAP contract funds cannot be released until the environmental review process is complete, and an award and contract are in place.

#### C. ENVIRONMENTAL REVIEW PROCESS: STEP 1

The first step in carrying out the environmental review process is to review Attachment 1 to determine how the proposed activities for which you seek funding are classified. Then complete Attachment 2. Provide a brief narrative description of the proposed activities

and the proper citation; then classify them as exempt, categorically excluded, or subject to environmental assessments. Complete the remainder of Attachment 2; sign and date it; then forward it to Commerce. A completed sample of Attachment 2 is included.

#### D. ENVIRONMENTAL REVIEW PROCESS: STEP 2

Commerce expects that most applications for CDBG-EAP funds will be used for the repair and reconstruction of residences and infrastructure. All such activities are subject to a limited historical review; a floodplain review; and a review of manmade hazards. Appropriate documentation should be submitted to Commerce where applicable to each individual project. **PLEASE NOTE:** "Project" can refer to an individual house being rehabilitated, a building such as a fire station, library, multi-family building, or a specific type of infrastructure repair or replacement. The requirements for each project are as follows.

##### *Historical review*

All projects proposed for buildings 50 years of age or older must be reviewed by the Wisconsin Historical Society, which makes a determination whether the proposed activity will adversely affect its historic qualities. Commerce performs the historical review on behalf of WHS, which has agreed to limit the scope of its reviews to those properties that are already listed on the National Register of Historic Places, the Wisconsin Architecture and History Inventory, and individual communities' Intensive Surveys.

##### **Grantee responsibility:**

1. Determine the date of construction for each property proposed for any CDBG-EAP funded activity.
2. If the property is 50 years of age or older, determine whether the proposed activities are found on Attachment 3, *Activities Exempt from Further Review*.
3. If the property is 50 years of age or greater, and if the activities are **not** found on Attachment 3, complete a copy of Attachment 4 (Initial Project Review Form) and send it to the Environmental Review Desk, Division of Housing and Community Development (DHCD), P.O. Box 7970, Madison WI 53707-7970. Please note that photographs of each property must also accompany the Initial Project Review Form. Commerce will complete the review within 30 days of the submission of a complete Initial Project Review Form.

##### *Floodplain review*

Commerce policy permits the use of federal funds for projects located within 100-year floodplains **only if** the value of the proposed rehab does not exceed 50% of the assessed value before damage occurred. CDBG-EAP funds may not be used on properties within the 100-year floodplain if the 50% threshold is exceeded without undertaking an extensive, 8-step public notice process.

##### **Grantee responsibility:**

You must determine whether each property lies within the 100-year floodplain by consulting the Federal Insurance Rate Map (or FIRM). Record the map # and effective date on Attachment 5, answer the remaining questions, and submit the completed form to the Commerce Environmental Review Desk.

**NOTE:** *There are three additional requirements placed on any property rehabbed with CDBG-EAP funds lying within the 100-year floodplain: (1) the owner and/or tenant of the property must be notified in writing that a flood hazard exists; (2) the owner of the property must purchase flood insurance for at least one year; and 3) CDBG funds may be used to make repairs to such properties one time only.*

### *Manmade Hazards*

Manmade hazards include exposure to hazardous chemicals, by means of 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 and other industrial 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 manufacture hazards.

Hazards also include thermal and explosive hazards. The proximity of a site to petroleum or chemical storage tanks is a safety concern. For example, 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. It is important that housing sites be evaluated carefully to determine whether such risk is present. In general, sites within one-quarter mile of such industrial facilities are unsuitable for new construction.

### **Grantee responsibility:**

Consider carefully whether the activity is appropriate if the site is located within one-quarter mile of industries where any of the above hazards are present which represent a potential threat to health or safety. Complete a copy of Attachment 6 for each property located within one-quarter mile of hazards (as defined). CDBG-EAP funds may **not** be used on an individual residence in proximity to manmade hazards if the value of the proposed rehab exceeds 50% of the assessed value before damage occurred. Furthermore, funds may not be used to relocate victims of disasters into homes that are within one-quarter mile of manmade hazards.

## SUMMARY

What to Send to Commerce:

Before any CDBG-EAP grant funds can be released:

1. A completed, signed copy of Attachment 2 (Statement of Activities).

As projects are identified but before CDBG-EAP funds are committed:

2. One copy of Attachment 4 for each property that is 50 years of age or older, when the activities are **not** found on Attachment 3 (Activities Exempt from Further Review).
3. One copy of Attachment 5 (Floodplain review) for each property when damages are caused by flooding, or when floodplains are affected.
4. One copy of Attachment 6 for each property, when thermal, explosive, manmade or other hazards (as described above) are found within one-quarter mile.

## ATTACHMENT 1

### CLASSIFICATION OF ELIGIBLE CDBG-EAP PROJECTS

Excerpts from 24 CFR Part 58, Environmental Review Procedures

#### *Exempt Activities*

- 58.34(a)(1) Environmental and other studies...and the development of plans and strategies.
- 58.34(a)(2) Information and financial services.
- 58.34(a)(3) Administrative and management activities.
- 58.34(a)(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.
- 58.34(a)(5) Inspections and testing of properties for hazards or defects.
- 58.34(a)(6) Purchase of insurance.
- 58.34(a)(7) Purchase of tools.
- 58.34(a)(8) Engineering or design costs.
- 58.34(a)(9) Technical assistance and training.

#### *Categorically Excluded Activities*

- 58.35(a)(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).
- 58.35(a)(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- 58.35(a)(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%;
    - (b) The project does not involve changes in land use from residential to non-residential;
    - (c) The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation.
- 58.35(a)(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.
- 58.35(a)(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.

#### *Project requiring an Environmental Assessment*

- 58.36 Any project that is not exempt or categorically excluded under 58.34 or 58.35.

**ATTACHMENT 2**

***SAMPLE***

STATEMENT OF ACTIVITIES

Name of Applicant: Marinette County Housing Authority, Marinette, WI

Brief Narrative Description of Activity	CFR Part 58 Citation	Exempt? Categorically Excluded? Requires an Environmental Assessment?	Other Comment
Administrative expenses	34(a)(3)	Exempt	
Repair of 40 flood-damaged homes in rural Oconto County	35(a)(4)	Categorically Excluded	Housing authority funds will also be used to make repairs; no repairs will exceed the 50% threshold

Proposed Project Area: Townships 11 and 12 North, Ranges 5 and 6 East, Marinette County.

Brief Description of Project Area: Flood-damaged single-family homes and duplexes along the Oconto River. Project area is heavily wooded, no incorporated municipalities in project area.

**STATEMENT OF ACTIVITIES**

Name of Grantee \_\_\_\_\_

Brief Narrative Description of Activity	CFR Part 58 Citation (See Attachment 1)	Exempt? Categorically Excluded? Requires Environmental Assessment?	Other Comments

Proposed Project Area (principal streets or neighborhoods, or other geographical description, if urban; township(s), range(s), and section(s) if rural) \_\_\_\_\_

Brief description of Project Area \_\_\_\_\_

Will the proposed activities affect any properties 50 years of age or older (Y/N/DK)? \_\_\_\_\_  
If "yes" or "don't know," review Attachment 4.

Will the proposed activities affect any property that has been flood-damaged, or will a property that lies within the 100-year floodplain be affected by the project (Y/N/DK)? \_\_\_\_\_  
If "yes" or "don't know," review Attachment 5

Will any of the proposed activities affect properties that lie within one-quarter mile of a flammable, explosive or manmade hazard (as described on page 2)(Y/N/DK)? \_\_\_\_\_  
If "yes" or "don't know," review Attachment 6

**CERTIFICATION:** I certify that all the information contained herein is correct to the best of my knowledge.

\_\_\_\_\_  
Name

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

## ATTACHMENT 3

### ACTIVITIES EXEMPT FROM FURTHER REVIEW

*General Guidance: Any activity that repairs or replaces existing installations is generally permitted without review by the Wisconsin 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 Department of Commerce 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 4**

**INITIAL PROJECT REVIEW FORM**

*To be submitted to Commerce Environmental Review Desk for any activity on buildings 50 years of age or older is proposed, and when activities are not found on Attachment 3*

Date \_\_\_\_\_

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

Project Address (if within an **incorporated community**) \_\_\_\_\_

\_\_\_\_\_

Project Address (if within an **unincorporated** area):

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

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

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

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

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

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

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

\_\_\_\_\_

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

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

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

Please complete a copy of this form for each property 50 years of age or older (when the proposed activities are not found on the *Activities Exempt from Further Review* list), and return form to:

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

I. Administrative Data

Contract # \_\_\_\_\_

Description of Project:

List of proposed work items to be done (you may use a separate page):  
List of proposed work items, which DO NOT appear on the Activities Exempt  
From Further Review (Attachment 3):

II. Map

Include a map showing project location. Examples of acceptable maps are USGS 7.5' series maps, or township maps.

III. Photographs

Please include clear 3 x 5-inch general photographs of each building 50 years of age or older, and specific photos of areas in which work will be carried out. Photographs should be labeled (i.e., name of property, locations of property, description of view, date of photograph), in focus, and properly developed.

**Black-and-white photocopies are not acceptable.**

**ATTACHMENT 5**

**FLOODPLAIN REVIEW**

*To be submitted for each property proposed under a CDBG-EAP Emergency Assistance Grant when funds are sought to make repairs caused by flood damage, or when floodplains are involved.*

Name of Grantee: \_\_\_\_\_

Address of applicant (if within an incorporated municipality):

Street \_\_\_\_\_

City \_\_\_\_\_

County \_\_\_\_\_

Address of applicant (if within a rural, unincorporated area)

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

Flood Insurance Rate Map (FIRM) #: \_\_\_\_\_

FIRM Community Name: \_\_\_\_\_

FIRM Effective Date: \_\_\_\_\_

Does the property lie within Zone A (100-year floodplain) on the FIRM (Y/N)? \_\_\_\_\_

Does the value of the proposed rehab exceed 50% of the assessed value before damage occurred (Y/N)? \_\_\_\_\_

To the best of your knowledge, has the property been subject to previous flooding (Y/N)? If "Yes," Please describe when and extent of damage.

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

Reminder: The owner(s) and/or tenant(s) of a property lying within 100-year floodplain must be notified in writing that a flood hazard exists; and the owner(s) of such a property must purchase flood insurance for at least one year.

**ATTACHMENT 6**

**MAN-MADE HAZARDS**

*To be submitted for each property located within one-quarter mile of a hazard, as described on page VI-3.*

Name of grantee: \_\_\_\_\_

Address of proposed project (if within an **incorporated municipality**):

Street/road: \_\_\_\_\_

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

Address of proposed project (if located with an **unincorporated area**):

Street/road: \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

Does the value of the proposed rehab exceed 50% of the assessed value before damage occurred (Y/N)? \_\_\_\_\_

Are there any manufactured hazards (including leaking underground storage tanks, hazardous waste facilities, toxic chemicals or radioactive materials, thermal or explosive hazards, or other potential public health and safety problems) located within one-quarter mile of the proposed site (Y/N)? \_\_\_\_\_

If "Yes," please include the following information:

Name of facility: \_\_\_\_\_

Address of facility: \_\_\_\_\_

Distance of facility from proposed project site: \_\_\_\_\_

Nature of hazard: \_\_\_\_\_

Name and phone # of contact: \_\_\_\_\_