

City of Battle Creek  
Community Development Division  
Environmental Review  
Policy, Procedures, and Standards  
24 CFR Part 58

*Amended June 12, 2024*

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## HUD Environmental Review Acronym Glossary

### A

**AAR:** Area at Risk - Areas identified as being at high risk of environmental hazards.

**ACHP:** Advisory Council on Historic Preservation - An independent federal agency that promotes the preservation, enhancement, and productive use of the nation's historic resources.

**AHERA:** Asbestos Hazard Emergency Response Act - A regulation requiring the inspection of schools for asbestos-containing material.

**ASD:** Acceptable Separation Distance

**AST:** Aboveground Storage Tank - Tanks used to store liquids above ground, often containing hazardous substances.

**ATSDR:** Agency for Toxic Substances and Disease Registry - A federal public health agency involved with hazardous waste issues.

**AUGF:** Authority to Use Grant Funds

**AUL:** Activity and Use Limitation - Legal restrictions placed on property usage to protect human health and the environment.

### B

**BCE:** Beneficial Conservation Easement - A voluntary agreement that permanently limits uses of the land to protect its conservation values.

**BFE:** Base Flood Elevation - The computed elevation to which floodwater is anticipated to rise during the base flood.

**BIA:** Bureau of Indian Affairs - An agency of the federal government responsible for the administration and management of land held in trust by the United States for Native Americans.

**BLM:** Bureau of Land Management - An agency within the U.S. Department of the Interior responsible for administering public lands.

**BMP:** Best Management Practice - Methods that have been determined to be effective and practical means of preventing or reducing pollution.

**BTEX:** Benzene, Toluene, Ethylbenzene, and Xylenes - Volatile organic compounds commonly found in petroleum derivatives.

**BTA:** Brownfield Technical Assistance - Support provided to communities for the cleanup and redevelopment of brownfields.

## C

**CAA:** Clean Air Act - The comprehensive federal law that regulates air emissions from stationary and mobile sources.

**CAFO:** Concentrated Animal Feeding Operation - An agricultural facility that houses and feeds a large number of animals in a confined area.

**CAP:** Corrective Action Plan - A document outlining how a specific problem will be addressed.

**CAS:** Chemical Abstracts Service - A division of the American Chemical Society that provides chemical information.

**CBRA:** Coastal Barrier Resources Act - A federal law that aims to discourage development on coastal barriers.

**CBRS:** Coastal Barrier Resources System - A defined set of undeveloped coastal barriers protected by the CBRA.

**CCA:** Coastal Consistency Assessment - Evaluation ensuring federal activities are consistent with state coastal management policies.

**CDBG:** Community Development Block Grant - A program that provides communities with resources to address a wide range of unique community development needs.

**CE:** Categorical Exclusion - A category of actions which do not individually or cumulatively have a significant effect on the human environment.

**CENST:** Categorically Excluded Not Subject to 24 CFR part 58.5

**CEQ:** Council on Environmental Quality - Coordinates federal environmental efforts and works with agencies on the development of environmental policies.

**CERCLA:** Comprehensive Environmental Response, Compensation, and Liability Act - Also known as Superfund, it provides a federal program to clean up uncontrolled or abandoned hazardous waste sites.

**CEST:** Categorically Excluded Subject to 24 CFR part 58.5

**CFR:** Code of Federal Regulations - The codification of the general and permanent rules published in the Federal Register by the departments and agencies of the federal government.

**CH<sub>4</sub>:** Methane - A potent greenhouse gas with a global warming potential many times that of carbon dioxide.

**CLA:** Choice-Limiting Actions

**CO:** Certifying Officer - The official responsible for ensuring compliance with HUD environmental review requirements.

**CWA:** Clean Water Act - The primary federal law in the United States governing water pollution.

**CZMA:** Coastal Zone Management Act

## **D**

**DBPR:** Disinfection By-Product Rule - Regulates the by-products formed when disinfectants used in water treatment react with natural organic matter.

**DNL:** Day-Night Average Sound Level - A measure of the average noise level over a 24-hour period, with adjustments for night-time noise.

**DO:** Dissolved Oxygen - The amount of oxygen that is present in water, essential for aquatic life.

**DOI:** Department of the Interior - Manages the nation's public lands and minerals, national parks, and wildlife refuges.

**DOT:** Department of Transportation - Oversees federal highway, air, rail, and maritime transportation.

**DU:** Development Unit - A specific area designated for development purposes.

**DWSRF:** Drinking Water State Revolving Fund - A federal-state partnership to help ensure safe drinking water.

## **E**

**EA:** Environmental Assessment - A process used to determine if an EIS is needed or if a FONSI can be issued.

**EAC:** Environmental Assessment Checklist - A tool used to systematically evaluate environmental impacts.

**ECHO:** Enforcement and Compliance History Online - A web-based resource for environmental compliance data.

**EEO:** Equal Employment Opportunity - The principle that all individuals should have equal treatment in employment without discrimination.

**EIS:** Environmental Impact Statement - A document required for major federal actions significantly affecting the quality of the human environment.

**ELI:** Environmental Law Institute - A non-profit organization focusing on environmental law and policy.

**EMF:** Electromagnetic Field - Physical field produced by electrically charged objects.

**EMP:** Environmental Management Plan - A plan outlining how environmental protection measures will be implemented and monitored.

**EMS:** Environmental Management System - A framework that helps an organization achieve its environmental goals through consistent review, evaluation, and improvement.

**EPA:** Environmental Protection Agency - The federal agency responsible for protecting human health and the environment.

**EPCRA:** Emergency Planning and Community Right-to-Know Act - A law designed to help local communities protect public health, safety, and the environment from chemical hazards.

**ERR:** Environmental Review Record

**ESA:** Environmental Site Assessment - An assessment to identify potential or existing environmental contamination liabilities.

**ESA:** Endangered Species Act.

**ESMP:** Environmental and Social Management Plan - A plan that outlines measures to mitigate adverse environmental and social impacts.

**ESRI:** Environmental Systems Research Institute - A company specializing in GIS (Geographic Information System) software.

**EST:** Environmental Site Technician - A professional who assists in environmental site assessments and monitoring.

**ETJ:** Extraterritorial Jurisdiction - The legal ability of a government to exercise authority beyond its normal boundaries.

## **F**

**FAMS:** Federal Aid Management System - A system for managing federal aid programs.

**FASAB:** Federal Accounting Standards Advisory Board - Establishes accounting standards for federal entities.

**FEMA:** Federal Emergency Management Agency - Coordinates the federal government's response to natural and manmade disasters.

**FFRMS:** Federal Flood Risk Management Standard

**FFY:** Federal Fiscal Year - The fiscal year for the federal government, starting October 1 and ending September 30.

**FIFRA:** Federal Insecticide, Fungicide, and Rodenticide Act - Regulates the sale, distribution, and use of pesticides.

**FIRM:** Flood Insurance Rate Map - Maps created by FEMA to show areas at risk of flooding.

**FONSI:** Finding of No Significant Impact - A document stating that a project will not have a significant impact on the environment.

**FQPA:** Food Quality Protection Act - Amended FIFRA and FFDCA to enhance the protection of food safety from pesticides.

**FSR:** Final Status Survey - A survey conducted to verify that a site has been properly decontaminated.

**FTE:** Full-Time Equivalent - A unit that indicates the workload of an employed person in a way that makes workloads comparable.

## **G**

**GIS:** Geographic Information System - A system for capturing, storing, checking, and displaying data related to positions on Earth's surface.

**GHG:** Greenhouse Gas - Gases that trap heat in the atmosphere, contributing to global warming.

**GM:** General Manager - An individual responsible for overseeing the operations of an organization.

**GMP:** Groundwater Management Plan - A plan for the sustainable management of groundwater resources.

**GPS:** Global Positioning System - A satellite-based system used for navigation and location tracking.



**GSA:** General Services Administration - Provides logistical support, products, and services for U.S. federal agencies.

## **H**

**HAP:** Hazardous Air Pollutants - Air pollutants known to cause cancer and other serious health impacts.

**HAZMAT:** Hazardous Materials - Substances that pose a risk to health, property, or the environment.

**HCD:** Housing and Community Development - Programs aimed at developing affordable housing and community infrastructure.

**HHS:** Department of Health and Human Services - The U.S. government's principal agency for protecting the health of all Americans.

**HRS:** Hazard Ranking System - A scoring system used to assess the relative threat of hazardous waste sites.

**HUD:** Department of Housing and Urban Development - The federal department responsible for national policy and programs that address America's housing needs.

## **I**

**IAQ:** Indoor Air Quality - The quality of air within and around buildings and structures.

**ICR:** Information Collection Request - A request for information submitted to the Office of Management and Budget for review under the Paperwork Reduction Act.

**IDEM:** Indiana Department of Environmental Management - The state agency responsible for protecting the environment in Indiana.

**IDLH:** Immediately Dangerous to Life or Health - Conditions that pose an immediate threat to life, cause irreversible health effects, or impair the ability to escape.

**IER:** Initial Environmental Review - The first step in assessing potential environmental impacts of a proposed project.

**IG:** Inspector General - An official responsible for auditing and investigating government operations to ensure accountability.

**IHS:** Indian Health Service - A federal health program for American Indians and Alaska Natives.

**IPM:** Integrated Pest Management - An approach to managing pests that combines biological, physical, and chemical tools.

**IRIS:** Integrated Risk Information System - An EPA database of human health effects that may result from exposure to various substances.

## **J**

**JHA:** Job Hazard Analysis - A process to identify hazards and determine the appropriate control measures to eliminate or reduce risk.

**JPA:** Joint Powers Authority - A legal entity that allows two or more government agencies to jointly exercise common powers.

## **L**

**LCA:** Life Cycle Assessment - A technique to assess environmental impacts associated with all stages of a product's life.

**LDEQ:** Louisiana Department of Environmental Quality - The state agency responsible for environmental protection in Louisiana.

**LEED:** Leadership in Energy and Environmental Design - A certification program for green buildings.

**LID:** Low Impact Development - An approach to land development that mimics natural processes to manage stormwater.

**LQG:** Large Quantity Generator - Facilities that generate a large quantity of hazardous waste.

**LUST:** Leaking Underground Storage Tank - A tank system that has released hazardous substances into the environment.

**LWCF:** Land and Water Conservation Fund - A federal program that provides funds for the acquisition of land and water for conservation and recreation purposes.

## **M**

**MCL:** Maximum Contaminant Level - The highest level of a contaminant that is allowed in drinking water.

**MCLG:** Maximum Contaminant Level Goal - The level of a contaminant in drinking water below which there is no known or expected risk to health.

**MDEQ:** Michigan Department of Environmental Quality - The state agency responsible for protecting the environment in Michigan.

**MOA:** Memorandum of Agreement - A document that outlines the terms and details of an agreement between parties.

**MOU:** Memorandum of Understanding - A formal agreement between two or more parties.

**MSDS:** Material Safety Data Sheet - A document that provides information on the properties of hazardous chemicals.

**MS4:** Municipal Separate Storm Sewer System - A system designed to collect or convey stormwater.

## N

**NAAQS:** National Ambient Air Quality Standards - Standards established by the EPA that apply for outdoor air throughout the country.

**NEPA:** National Environmental Policy Act - A law that promotes the enhancement of the environment and established the President's Council on Environmental Quality.

**NFIP:** National Flood Insurance Program - A federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding.

**NHPA:** National Historic Preservation Act - A law intended to preserve historical and archaeological sites in the United States.

**NOI:** Notice of Intent - A document announcing the intention to prepare an EIS.

**NPDES:** National Pollutant Discharge Elimination System - A program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

**NPL:** National Priorities List - The list of hazardous waste sites in the United States eligible for long-term remedial action financed under the federal Superfund program.

**NRCS:** Natural Resources Conservation Service - Provides technical and financial assistance to farmers and other private landowners and managers.

**NRDA:** Natural Resource Damage Assessment - The process of collecting, compiling, and analyzing information to determine damages for injury to natural resources.

**NSR:** New Source Review - A permitting process for new or modified industrial facilities in non-attainment areas.

**NWI:** National Wetlands Inventory - A program that produces information on the characteristics, extent, and status of the nation's wetlands.

## **O**

**O3:** Ozone - A molecule composed of three oxygen atoms, important in the upper atmosphere for blocking ultraviolet radiation but a pollutant at ground level.

**O&M:** Operations and Maintenance - The activities required to keep a facility and its systems running properly.

**ODNR:** Ohio Department of Natural Resources - The state agency responsible for overseeing the management of natural resources in Ohio.

**OEM:** Office of Emergency Management - Manages emergency preparedness, response, recovery, and mitigation activities.

**OEQ:** Office of Environmental Quality - Provides guidance on environmental policies and procedures.

**OES:** Office of Environmental Services - Oversees environmental impact assessments and compliance.

**OMB:** Office of Management and Budget - Assists the President in overseeing the preparation of the federal budget and supervises its administration.

**OSHA:** Occupational Safety and Health Administration - Ensures safe and healthful working conditions by setting and enforcing standards.

**OU:** Operable Unit - A term used in the Superfund program to denote a portion of a remedial program for a site.

## **P**

**PA:** Programmatic Agreement - A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a federal agency program.

**PAH:** Polycyclic Aromatic Hydrocarbon - A class of chemicals that occur naturally in coal, crude oil, and gasoline.

**PCB:** Polychlorinated Biphenyl - A group of toxic, persistent chemicals used in electrical equipment.

**PES:** Preliminary Environmental Screening - Initial screening to identify potential environmental issues.

**PFA:** Perfluoroalkyl and Polyfluoroalkyl Substances - A group of man-made chemicals that are resistant to water, grease, and stains.

**PHMSA:** Pipeline and Hazardous Materials Safety Administration - Oversees the safe transport of energy and other hazardous materials.

**PID:** Photoionization Detector - An instrument used to measure volatile organic compounds and other gases in the air.

**PLSS:** Public Land Survey System - A method used historically in the United States to survey and divide land.

**PM<sub>2.5</sub>:** Particulate Matter less than 2.5 micrometers - Fine inhalable particles with diameters that are generally 2.5 micrometers and smaller.

**PM<sub>10</sub>:** Particulate Matter less than 10 micrometers - Inhalable particles with diameters that are generally 10 micrometers and smaller.

**POTW:** Publicly Owned Treatment Works - A sewage treatment plant owned by a state or municipality.

**PPE:** Personal Protective Equipment - Equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses.

**PRP:** Potentially Responsible Party - Any individual or company that may be responsible for contamination at a Superfund site.

**PWS:** Public Water System - A system for providing the public with water for human consumption through pipes or other constructed conveyances.

## Q

**QA:** Quality Assurance - A process to ensure that a product or service meets specified requirements.

**QAPP:** Quality Assurance Project Plan - A document outlining the procedures for ensuring the quality of environmental data.

**QC:** Quality Control - The operational techniques and activities used to fulfill requirements for quality.

**QEP:** Qualified Environmental Professional - An individual with the training, experience, and credentials to perform environmental site assessments.

## R

**RE:** Responsible Entity.

**RCRA:** Resource Conservation and Recovery Act - The principal federal law in the United States governing the disposal of solid and hazardous waste.

**RD:** Rural Development - Programs administered by the USDA aimed at improving the economy and quality of life in rural America.

**RMP:** Risk Management Plan - A plan developed to prevent and respond to chemical accidents.

**ROD:** Record of Decision - A document that explains which cleanup alternative(s) will be used at National Priorities List sites.

**ROW:** Right of Way - The legal right to pass through property owned by another.

**RROF:** Request for Release of Funds

**RSL:** Regional Screening Level - Risk-based concentrations derived from standardized equations combining exposure information assumptions.

**RTP:** Regional Transportation Plan - A long-range plan for transportation improvements in a metropolitan area.

**RTU:** Roof Top Unit - A type of HVAC equipment installed on the roof of a building.

## S

**SARA:** Superfund Amendments and Reauthorization Act - Amended CERCLA to increase the size of the Superfund and introduce new regulations.

**SBA:** Small Business Administration - Provides support to entrepreneurs and small businesses.

**SDWA:** Safe Drinking Water Act - The principal federal law in the United States intended to ensure safe drinking water for the public.

**SEPA:** State Environmental Policy Act - Requires state and local agencies to consider the environmental impacts of their decisions.

**SHPO:** State Historic Preservation Office - State agencies responsible for the preservation of historical sites and artifacts.

**SIP:** State Implementation Plan - A comprehensive plan that describes how a state will attain and maintain national ambient air quality standards.

**SIR:** Supplemental Information Report - Additional documentation to provide more details on specific aspects of an EIS.

**SOP:** Standard Operating Procedure - Established procedures to be followed in carrying out a given operation or in a given situation.

**SPCC:** Spill Prevention, Control, and Countermeasure - A regulation requiring certain facilities to prepare, amend, and implement plans to prevent oil spills.

**SREC:** Site Rehabilitation Completion - Certification that all appropriate actions to address contamination at a site have been completed.

**SRF:** State Revolving Fund - Funds established by states to provide loans for wastewater and drinking water infrastructure projects.

**SWPPP:** Storm Water Pollution Prevention Plan - A plan to help prevent stormwater contamination at construction sites and industrial facilities.

## T

**TCLP:** Toxicity Characteristic Leaching Procedure - A test to determine if a waste is classified as hazardous.

**TMDL:** Total Maximum Daily Load - The maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.

**TPH:** Total Petroleum Hydrocarbons - A broad family of several hundred chemical compounds that originally come from crude oil.

**TRI:** Toxics Release Inventory - A resource for learning about toxic chemical releases and pollution prevention activities.

**TSCA:** Toxic Substances Control Act - Provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances.

**TSP:** Total Suspended Particles - The total amount of suspended particulate matter in the air.

**TSS:** Total Suspended Solids - Particles suspended in water that can be trapped by a filter.

## U

**UCG:** Underground Coal Gasification - A process to produce gas from coal located deep underground.

**UIC:** Underground Injection Control - The program responsible for regulating the construction, operation, permitting, and closure of injection wells.

**USACE:** United States Army Corps of Engineers - Provides public engineering services in peace and war to strengthen national security, energize the economy, and reduce risks from disasters.

**USC:** United States Code - The codification by subject matter of the general and permanent laws of the United States.

**USDA:** United States Department of Agriculture - Provides leadership on food, agriculture, natural resources, and related issues.

**USFWS:** United States Fish and Wildlife Service - Dedicated to the management of fish, wildlife, and natural habitats.

**UST:** Underground Storage Tank - Tanks and any underground piping connected to the tank that have at least 10 percent of their combined volume underground.

## V

**VCP:** Voluntary Cleanup Program - A state program encouraging voluntary cleanup of contaminated sites.

**VOC:** Volatile Organic Compound - Organic chemicals that have a high vapor pressure at room temperature.

**VPDES:** Virginia Pollutant Discharge Elimination System - Controls water pollution by regulating point sources that discharge pollutants into waters of Virginia.

## W

**WARM:** Waste Reduction Model - A tool developed by the EPA to help solid waste planners and organizations track and voluntarily report greenhouse gas emissions reductions.

**WAS:** Waste Activated Sludge - A byproduct of the activated sludge process used in sewage treatment.

**WBD:** Watershed Boundary Dataset - A hydrologically correct delineation of drainage areas of the U.S.



**WET:** Whole Effluent Toxicity - Tests to determine the potential toxicity of effluents discharged into aquatic environments.

**WMP:** Watershed Management Plan - A plan outlining strategies for managing the land and water resources within a watershed.

**WRDA:** Water Resources Development Act - Provides authority for the U.S. Army Corps of Engineers to undertake various water resources development projects.

**WSA:** Wetland Study Area - An area designated for the study and conservation of wetland ecosystems.

**WQMP:** Water Quality Management Plan - A plan developed to manage and protect water quality.

**WQS:** Water Quality Standards - State-adopted and EPA-approved ambient standards for water bodies.

**WSRF:** Water Supply Revolving Fund - Provides funding for public water supply projects.

## **Z**

**ZEV:** Zero Emission Vehicle - Vehicles that emit no tailpipe pollutants from the onboard source of power.

**ZOI:** Zone of Influence - The area affected by the operation of a facility or system.

**ZPA:** Zone Protection Area - Areas designated to protect sensitive environments or resources.

**ZVI:** Zero Valent Iron - An advanced material used in groundwater remediation.

**ZNE:** Zero Net Energy - Buildings or systems that produce as much energy as they consume over a specified period.

## **Special Categories**

### **General**

**CBA:** Cost-Benefit Analysis - A systematic approach to estimating the strengths and weaknesses of alternatives.

**CDBG-DR:** Community Development Block Grant - Disaster Recovery - Provides funds to help cities, counties, and states recover from Presidentially declared disasters.

**CGE:** Cumulative Greenhouse Effect - The total impact of greenhouse gases on global warming.

**CSR:** Corporate Social Responsibility - A self-regulating business model that helps a company be socially accountable.

**CWSRF:** Clean Water State Revolving Fund - Provides financial assistance to states for the construction of wastewater treatment facilities and other water quality management activities.

**DMA:** Direct Mitigation Action - Immediate actions taken to reduce environmental impacts.

**FOIA:** Freedom of Information Act - Provides the public the right to request access to records from any federal agency.

**FOIL:** Freedom of Information Law - Similar to FOIA but at the state level.

**LCA:** Life Cycle Assessment - A technique to assess the environmental aspects and potential impacts associated with a product, process, or service.

**NIMBY:** Not In My Back Yard - Opposition by residents to proposed developments in their local area.

**PEIS:** Programmatic Environmental Impact Statement - A document that assesses the environmental impacts of proposed actions by federal agencies on a program-wide basis.

## Environmental Review Summary

The City of Battle Creek receives federal grant funds from the U.S. Department of Housing and Urban Development (HUD) to provide assistance to low- to moderate-income households and improve our community.

The purpose of these environmental procedures is to ensure that all projects funded with federal funds, including program income are in compliance with all applicable federal laws and authorities identified in Title 24 Part 58: Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. Also, these procedures are intended to insure a suitable living environment, or more specifically, to determine if any significant environmental impact may occur as a result of a proposed project; to release funds to support eligible projects that neither harm nor are harmed by the environment; to safeguard, enhance, and restore the environment; and to foster public participation in the development decision-making process.

As the City of Battle Creek assumes HUD environmental responsibilities for HUD grant funding under the requirements of HUD's environmental review regulations at 24 CFR Part 58, the City acts as the responsible entity to ensure all regulations are implemented under the National Environmental Policy Act (NEPA). The HUD environmental review process within the City's jurisdiction must be completed before federal funds can be utilized for the following programs:

1. Community Development Block Grant (CDBG)
2. Home Investment Partnership Program (HOME)
3. Neighborhood Stabilization Program (NSP)
4. Lead-based paint abatement programs
5. Others grants that require 24 CFR Part 58 compliance

### Choice Limiting Action

Per the requirements of 58.22, no agency, developer, program or project is able to undertake a choice limiting action such as real property acquisition, leasing, disposition, demolition, rehabilitation, repair, construction, or site improvements until an environmental approval has been certified by the Battle Creek City Manager and, if applicable, granted authority to use grant funds by HUD. This ensures that decision making does not occur until prior to completing the environmental review process. The grantee must ensure objectiveness in the consideration of alternatives and eliminates the opportunity for public-participation in the decision-making process.

### Full Project Review

Under HUD rules, even if federal funds support only a portion of the project, the full project and its impacts must be examined before any funds are obligated or expended. In addition, even if a governmental agency or private independent firm has already conducted some other form of environmental review, Environmental Review Officer must determine and document that the review meets the HUD requirements.

### Review by City Community Development Division

The Community Development Rehab Coordinator is the designated Environmental Review (ER) Officer for the City. The Certifying Officer designation is assigned by the Mayor to the City Manager. An Environmental Review Officer conducts the environmental review and collects the documents to meet

the environmental review requirements. An Environmental Review Officer will determine if requirements have been met. Even if a federally funded activity is an exempt activity under the HUD rules, an ER Officer must determine that it is exempt, explain why it is exempt, and maintain a record stating that it is exempt.

#### Staff Training and Certification

Required staff training will be based on the Web-Based Instructional System for Environmental Review (WISER) available at [Web-Based Instructional System for Environmental Review \(WISER\) - HUD Exchange](#).

Environmental Review Officers are required to complete all WISER training modules and certification every three years. Certification documentation to be maintained in the City ERR digital file at: M:\Community Development Files\2\_Admin & Planning\3\_Environmental Review Record\ERR Admin\Training Materials.

## Internal Review and Concurrence Process

The Community Development (CD) Division, acting through its Environmental Review (ER) Officers is responsible for the preparation and approval of all environmental reviews. Certifications necessary to ensure compliance with 24 CFR Part 58 as follows are completed by the Battle Creek City Manager (Certifying Officer):

1. An ER Officer shall review all environmental reviews to ensure compliance with 24 CFR Part 58 prior to submission to the Certifying Officer for certification of the Request for Release of Funds.
2. Upon the initial award of an activity the ER Officer shall provide the funding recipient with environmental review requirements under 24 CFR Part 58.
3. ER Officer shall determine the most appropriate preparation avenue to develop the environmental review based on the level of review and the capacity of the funding recipient in accordance with Environmental Preparation Standards set forth in this document.  
ER Officer is responsible for ensuring that environmental reviews are uploaded into HEROS.
4. If an environmental review has been assigned to a third party consultant, the ER Officer shall review the prepared environmental review document, subsequent studies, and source documentation for compliance with all applicable environmental laws. They will recommend any revisions or additional studies to the ER Officer. Upon review and approval of the recommended actions, the ER Officer shall coordinate with the preparer. Once satisfied, the environmental review record is signed and submitted by the preparer.
5. An ER Officer prepares draft public notices and ensures the public notice is published and obtains the appropriate documentation for the ER record.
- 6.

Once the public comment period closes, the ER Officer is to complete the Request for Release of Funds (HUD Form 7015.15) and attach copies of the public notice documentation along with the environmental review. This documentation must be submitted to the City Manager for signature as Certifying Officer. Including the environmental review with submission of the 7015.15 to the Certifying Officer ensures that the environmental review is prepared prior to his/her certification of the 7015.15. Once an environmental review has been completed for an activity it will be entered into the City of Battle Creek Environmental Review Tracking Form (see attachments) and certified as complete by the ER Officer.

## Environmental Review Process

### STEP 1: Determining the Level of Review

In accordance with above internal review procedures, the Rehab Coordinator will review the program/project scope of work and determine at what level of environmental review needs to be conducted. The NEPA classifications that will be determined are listed below:

#### Exempt – Subject to Related Laws at 24 CFR 58.34

Activities that by their very nature will have no physical impact upon the environment are exempt from NEPA requirements as well as Part 58.5. In these cases, the City does not need to check for compliance with the requirements or perform an environmental review, consultation, or other action under NEPA. Some examples from NEPA requirements include:

1. Environmental studies, plans & strategies
2. Information & financial services
3. Administrative & management expenses
4. Public services without physical changes
5. Inspections & testing properties
6. Purchase of insurance
7. Purchase of tools
8. Engineering or design costs
9. Technical assistance & training
10. Payment of principal and interest on HUD loans
11. Any of the CEST activities at §58.35(a) if Federal laws and authorities at §58.5 are not triggered

#### Categorically Excluded, not Subject to 58.5. (24 CFR 58.35)

Activities in this section are categorically excluded from the requirements at 58.5, due to HUD's determination that such activities will not alter any conditions that would require a NEPA review or a compliance determination under 58.5. When performing a categorically excluded activity not subject to 58.5, the City does not need to publish a Notice of Intent/Request for Release of Funds (NOI/RROF). Following the award of program funds, no further approval from HUD will be needed with respect to environmental requirements. Examples of categorically excluded, not subject to NEPA requirements are:

1. Tenant-based rental assistance
2. Supportive services
3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs
4. Economic development activities not associated with construction or expansion of existing operations
5. Activities to assist homebuyers
6. Affordable housing pre-development costs
7. Supplemental assistance of previously-approved project

#### Categorically Excluded Subject to 58.5

Any of the categorically excluded activities in 58.35 are exempt from NEPA, provided that there are no circumstances that require compliance with any other federal law and authorities cited in 58.5. Using

the statutory checklist, and after consulting with applicable agencies and organizations, the City can designate an activity as exempt if it can show that none of the federal laws and authorities are triggered through funding this activity. The statutory checklist deals with non-NEPA regulation which grantees must adhere to such as historic and wildlife preservation, floodplain management, noise control, etc. Examples of categorically excluded, subject to NEPA requirements are:

1. Acquisition, repair, improvement, reconstruction or rehabilitation of public facilities and improvements when:
  - a. Facilities and improvements are in place
  - b. No more than 20% change in size or capacity
  - c. No change in land use
2. Removal of architectural barriers that restrict accessibility
3. Rehabilitation of buildings and improvements:
  - a. Residential Structures of 1 – 4 units: no more than 4 units; no change in land use; cannot increase into floodplain or wetland
  - b. Multifamily Residential Structures: unit density does not change more than 20%; no change in land use; cost of rehab is less than 75% of replacement cost after rehabilitation
  - c. Commercial, Industrial and Public Buildings: size and capacity does not increase by more than 20%; no change in land use
4. Individual action on up to four dwelling units (One 4-unit structure or four 1-unit structures or any combination in between):
5. Individual action on a project of five or more housing units when sites are more than 2000 feet apart and no more than four units on any one site.
6. Acquisition, disposition or finance of existing structure or vacant land if retained for same use.
7. Combination of any of the above activities.

#### [Subject to an Environmental Assessment \(24 CFR 58.36\)](#)

If a project is not exempt or categorically excluded under the above sections, the City must prepare an Environmental Assessment (EA). An EA is a concise public document that includes all the evidence and analysis supporting the City's decision as to whether an environmental impact statement is warranted or if an activity will result in no significant impact to the environment. Examples when environmental assessments are needed are:

1. New Construction (more than five (5) units);
2. Construction of Public Facilities;
3. Infrastructure Development;
4. New construction, demolition and/or reconstruction of five or more single family units on scattered sites that are less than 2,000 feet apart;
5. Extending the footprint of a single family unit into the floodplain or wetland area or expanding the footprint of a structure that is already in a floodplain or wetland area;
6. Major rehabilitation or reconstruction of multifamily residential units that increases or decreases the unit density more than 20 percent;
7. Conversion of a non-residential structure to create a residential use;
8. Acquisition of land for development of a housing subdivision;

9. Activities that are normally exempt or categorically excluded but have an extraordinary circumstance that requires further review.

The City must file the completed checklist and a statement in the Environmental Review Record.

[Subject to an environmental impact statement \(24 CFR 58.37\)](#)

If a project is subject to a full EA and is determined to have a potentially significant impact on the human environment, then an Environmental Impact Statement (EIS) is required. An EIS is also required if the project fits at least one of the following criteria:

1. It would provide a site or sites for or result in the construction of hospitals or nursing homes containing more than 2,500 or more beds;
2. It would remove, demolish, convert or substantially rehabilitate 2,500 or more existing housing units or would result in the construction or installation of 2,500 or more housing units;
3. It would provide enough additional water and sewer capacity to support 2,500 or more additional housing units.

The Grant Administrator must concur on the final environmental review determination (such as “Conversion to Exempt” or issuance of a “FONSI”). The administrative assistant receives the environmental review document log, scan, and digitally file in the City’s shared drive to ensure all environmental records are maintained together.



## STEP 2: Preparation of Environmental Review

Once the level of environmental review is determined, CD staff will either prepare internally or designate the recipient to prepare environmental records.

The estimated timeframe, depending on consultations require for completing Environmental Process is as follows:

Environmental Determination	Estimated Timeline for Preparation
Exempt	1 Day
Categorically Excluded not Subject to 58.5	1 Day
Categorically Excluded Subject to 58.5	30-75 Days
Environmental Assessment	45-100 Days
Environmental Impact Statement	1-2 Years

## Use of HEROS

The ERR has traditionally been in a paper-based format. In 2014 the Office of Environment and Energy (OEE) released the HUD Environmental Review Online System (HEROS). This system helps Responsible Entities (RE), HUD staff, and partners in the environmental review process to develop, document, and manage their environmental reviews. It covers all levels of environmental reviews for both Part 50 and Part 58 projects and includes on-screen guidance for completing environmental reviews. The RE utilizes HEROS to conduct all Part 58 environmental reviews.

## Tiered Environmental Review

Environmental Reviews may be tiered to avoid repetition. Tiered reviews are used to identify and evaluate issues ripe for decision, excluding issues not relevant to the program, policy or project. They are appropriate when:

1. Evaluating a policy or proposal
2. Early Stages of Development
3. When site-specific analysis is not feasible and more narrowed and focused review is better done at a later date
4. Tiered environmental reviews are not appropriate for projects requiring an Environmental Assessment.

The City will ensure tiered environmental reviews are prepared for single-family housing programs at unspecified sites. This review is conducted to achieve both compliance and speed because it does not require upfront identification of assisted properties.

In short, a tiered review focuses on a specific geographical area to address and analyze environmental impacts related to the proposed activities that might occur on the typical project site within that area. The specific addresses/locations of the individual properties are not known at this time. However, once individual project sites are located, any remaining environmental compliance issues that could not be resolved until project locations became known are completed according to standards for approval previously established for the target area. The City's tiered review focuses on scattered sites located throughout a particular targeted area unless the housing program is considered city-wide.

*Broad-level review or Tier-1:* An ER Officer will identify and evaluate the issues that can be fully addressed and resolved, notwithstanding possible limited knowledge of the project. The ER Officer will establish standards, constraints, and processes to be followed in the site-specific reviews. The ER Officer must publish a public notice of intent to request a release of funds (NOI/RROF) and submit RROF as described in Step 7.

*Site-specific review or Tier-2:* Program staff assigned to the activity will evaluate the remaining issues based on the policies established at the broad-level as individual sites are selected for review. This evaluation does not require a public notice or RROF required unless there are unanticipated impacts or impacts that are not adequately addressed in the Tier 1 review. Program staff responsible for completing all site-specific reviews are required to complete WISER training for the relevant sections of the Tier 2 review. Each review must be signed and dated by the individual responsible for completing the review.

### Project Information

The following information should be assembled for each activity or project. This applies to all activities created in IDIS.

1. Name of Project: Name of proposed activity, project or program name, etc. as listed in the Annual Action Plan or funding agreement.
2. Responsible Entity: City of Battle Creek
3. RE Preparer: Name and Title of the ER Officer
4. Certifying Officer: City Manager
5. Funding Amount: Amount of funding from each source, each year and each grant
6. Estimated Total Projected Cost of Project
7. Project Location: size of the project area, maps and photographs of the location
8. Project Description: Must include all contemplated actions that are a composite part of the project. It should capture the maximum scope of the proposal and consider all other related activity or activities that may be grouped and consider their aggregate potential impact. Activities may be grouped geographically or functionally. See §58.32 for full description of aggregation, including descriptions of geographic and functional aggregation. The project description must detail the exact use of funds. A complete project description includes:
  - a. Purpose of the proposed project
  - b. Location
  - c. Size of the parcel and buildings
  - d. Existing conditions
  - e. Trends – economic, demographics
  - f. Scope of work to be performed
  - g. Timeline of Project
  - h. Changes that will be made to the structure/land
  - i. Beneficiaries – numbers, types
  - j. Benefits of and impact to the community

## STEP 3: Perform Environmental Review Analysis and Document Compliance in HEROS

### Requirements for All Projects

All Part 58 environmental reviews, including those that are Exempt and CENST, must comply with the related laws and authorities listed in 24 CFR Part 58.6:

1. Airport Hazards: Notification requirements for the purchase or sale of an existing property in a Runway Clear Zone – 24 CFR Part 51.303(a)(3)
2. Coastal Barrier Resources: Coastal Barrier Resources Act as amended by the Coastal Barrier Improvement Act of 1990.
3. Flood Insurance: Flood Disaster Protection Act of 1973 and National Flood Hazard Reform Act of 1994.

### Requirements for Higher Levels of Review

Environmental reviews that require a higher level of review include: CEST, Environmental Assessments, and Environmental Impact Statements. The level of these reviews must address the following additional laws and authorities listed in 24 CFR 58.5:

4. Air Quality: Clean Air Act
5. Coastal Zone Management Act
6. Contamination and Toxic Substances: 24 CFR 50.3(i) and 58.5(i)(2)
7. Endangered Species Act of 1973
8. Explosive and Flammable Hazards: 24 CFR Part 51 Subpart C
9. Farmlands Protection: Farmland Protection Policy Act of 1981
10. Floodplain Management: Executive Order 11988
11. Historic Preservation: National Historic Preservation Act of 1966
12. Noise Abatement and Control: 24 CFR 51 Subpart B
13. Sole Source Aquifers: Safe Drinking Water Act of 1974, as amended
14. Wetlands Protection: Executive Order 11990
15. Wild and Scenic Rivers: Wild and Scenic Rivers Act of 1968
16. Environmental Justice: Executive Order 12898

### Site Visits

Visit project site to get representative photographs of the site and surrounding area, and review pertinent maps, e.g. flood map, wetland maps and topography maps. Make use of mapping and satellite internet sites to conduct a preliminary “site” visit from your desktop computer. A review of available aeriels and satellite images can assist with identifying potential red flags prior to going on site (e.g. identify rail lines, airports, highways, above ground storage tanks, schools, hospitals, toxic/contaminated sites, etc. – some internet mapping sites allow for on screen measuring to assist in getting a general sense of a project site’s proximity to certain features of interest). Exempt or CEST reviews are not required to have a site visit prior to committing funds.

### Source Documentation

Source documentation must consist of verifiable documents and/or relevant base data. Cite the appropriate documentation in the Source Documentation column for each law/authority and attach the documentation to Statutory Checklist. Documents may be incorporated by reference into the ERR provided that each source is identified and available for inspection by interested parties. Proprietary

material and studies that are not otherwise generally available for public review shall be included in the

#### Initiate Contact with Other Agencies

*Standards for Tribal Consultation:* NHPA and the Section 106 regulations require that federally recognized Indian Tribes and NHOs be consulted if they attach religious and cultural significance to historic properties that may be affected by the project. If a project occurs on tribal lands, the THPO in lieu of MSHPO will be consulted if they have assumed the role of SHPO on tribal lands. Otherwise, projects on non-tribal lands will require consultation with THPO, in addition to MSHPO.

If consultation is needed, the HUD Program Coordinator will initiate contact with tribes that have interest through the Tribal Directory Assessment Tool (TDAT).

*Michigan State Historic Preservation Consultation:* Before any expenditure of federal funds, and before granting any licenses, permit, or other approval, federal agencies must consider the possible effects of their actions on historic properties. The RE, as the responsible entity, assumes the role and responsibilities of the federal agency for many HUD-assisted programs and projects under 24 CFR Part 58. All RE CDBG and HOME projects meet the definition of an “undertaking”. An undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out with federal financial assistance; and those requiring a Federal permit, license, or approval. The ER Officer is responsible for consulting with SHPO.

*Other Consultations:* To prepare for conducting environmental reviews, the ER Officer should consider establishing contacts—develop relationships with individuals responsible for the following:

1. Planning
2. Historic Preservation Water—
3. floodplains & wetlands Site
4. Contamination Transportation
5. Fish & Wildlife
6. Local Native American Tribes
7. Adjacent, County, and State governments

#### Statutes, Executive Orders and Regulations Listed at 24 CFR 50.4 & 58.6

##### *Airport Hazards*

Airport hazards need to be evaluated for the following levels of review: exempt; categorically excluded not subject to; categorically excluded subject to; environmental assessment and environmental impact statement.

To evaluate airport hazards, staff must determine whether the project is within 15,000 feet of a military airport or 2,500 feet of a civilian airport. If the project is not within the hazard area, staff will include the following documentation in each environmental review and in HEROS: a Google Map measuring the distance between the end of the closest runway at Battle Creek Executive Airport at Kellogg Field and the project location.

If the project is within the hazard distance, staff will determine whether the project is within the accident potential zone or runway protection zone/clear zone. If the project is within the accident

potential zone, the next step is to determine whether the project involves any of the following: new construction; substantial rehabilitation; acquisition of undeveloped land; activities that would significantly prolong the physical or economic life of existing facilities or change the use of the facility to a use that is not consistent with the recommendations of the Department of Defense (DOD)'s Land Use Compatibility Guidelines; activities that would significantly increase the density or number of people at the site; or activities that would introduce explosive, flammable, or toxic materials to the area.

If the project involves any of those activities an ER Officer will consult with the Department of Defense guidelines to ensure the project is in compliance. The guidelines and staff notes will be included in the environmental review documentation.

If the project is in the runway protection zone/clear zone staff will determine whether the project involves any facilities that will be frequently used or occupied by people. If so, the project will not proceed. HUD assistance may not be used if project involves new construction, substantial rehabilitation, and acquisition of undeveloped land, or activities that would significantly prolong the physical or economic life of existing facilities that will be frequently used or occupied by people.

If the project does not involve facilities that will be frequently used or occupied by people, staff will get written assurances from the airport operator and include it with in the environmental review documentation. If the project involves the acquisition or sale of property that will be frequently used by people, a copy of the signed notice to the prospective buyers will be obtained and included in the ERR.

More information on airport hazards can be found at 24 CFR 51 Subpart D.

#### *Coastal Barrier Resources*

Coastal barrier resources need to be evaluated for the following levels of review: exempt; categorically excluded not subject to; categorically excluded subject to; environmental assessment and environmental impact statement.

There are no coastal barrier resources in Calhoun County where the City of Battle Creek is located. Each environmental review will include a copy of a map of Coastal Barrier Resources in Michigan. An updated map of coastal barrier resources in Michigan can be downloaded from the following site: [MI.pdf \(fws.gov\)](#).

More information on coastal barrier resources can be found in the Coastal Barrier Resources Act of 1982.

#### *Flood Insurance*

Flood insurance need to be evaluated for the following levels of review: exempt; categorically excluded not subject to; categorically excluded subject to; environmental assessment and environmental impact statement. Staff will determine whether the project involves mortgage insurance, refinance, acquisition, repairs, rehabilitation, or construction of a structure, mobile home, or insurable personal property. If not, a firmette/FEMA map will be created and included in the ERR. The firmette can be created at: <https://hazardsfema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>.

If the project does involve any of the before mentioned items, staff will determine whether the project structure, part of the structure or insurable property is in a FEMA designed Special Flood Hazard Area. If

so, a copy of the community's flood insurance policy or paid receipt for current annual insurance premium will be included as documentation in the ERR.

More information about flood insurance can be found in the Flood Disaster Protection Act of 1973.

#### *Air Quality*

Air Quality need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement. To evaluate air quality staff will determine whether the project includes new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities or five or more dwelling units. If not, we are in compliance with the regulation.

Staff will include the RE's Air Quality Attainment Status document with each ERR. The document can be found at [https://www.michigan.gov/egle/0,9429,7-135-3310\\_70940\\_31129---,00.html](https://www.michigan.gov/egle/0,9429,7-135-3310_70940_31129---,00.html).

If the project does involve any of the before mentioned items, staff will include the RE's Air Quality Attainment Status document in the ERR and determine whether RE is in attainment status for all criteria pollutions. If so, the compliance is achieved.

If the RE is in non-attainment or maintenance status for criteria pollutants and the project will impact air quality, staff will determine whether the project exceeds de minimis levels by estimating the levels of the project. Staff will utilize the Environmental Protection Agency's Conformity determination thresholds found at 40 CFR 93.153 and the Environmental Review Guide for CDBG Programs (Green Book) to aid in the calculation. If the estimation levels are below the de minimis levels, the project is in compliance. The estimation documentation will be included in the ERR. If the estimation levels exceed the de minimis levels, mitigation or modification will be necessary.

More information about air quality can be found in the Clean Air Act.

#### *Coastal Zone Management*

Coastal zone management needs to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

To evaluate coastal zone management, staff need to determine whether the project location is in the coastal zone boundary. Coastal zone boundary maps are not available for Calhoun County because it does not have a coast. The state coastal barrier map demonstrates that Calhoun County is not located near the coast and is included in the ERR.

More information on coastal zone management can be found at 24 CFR 58.5(c) or 24 CFR 50.4(c) (2).

#### *Contamination and Toxic Substances*

Contamination and toxic substances need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

Staff will evaluate site contamination by determining if there are any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property. A site visit will be performed for each project either by RE staff or sub-recipient staff.

An online review of toxic and hazardous sites within 3,000 feet of the project site will also be completed using NEPAassist tool on the US Environmental Protection Agency's website. The tool can be found at: <https://www.epa.gov/nepa/nepassist>. The findings will be included in the project ERR.

When site conditions indicate that the subject property is contaminated or likely contaminated by toxic substances, hazardous materials or petroleum products, the RE shall provide an ASTM certified Phase I ESA report, or other studies where applicable. Any hazards that are identified will be evaluated for the potential to affect the health and safety of the occupants and end-users. Identified hazards will mitigated or alternatives will be explored.

More information on contamination and toxic substances can be found at 24 CFR Part 50.3(i) and 24 CFR 58.5(i) (2).

#### *Endangered Species*

Endangered species needs to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

The RE shall conduct an evaluation of the federally listed species during the environmental review process by reviewing the US Fish and Wildlife Service's "Michigan Federally-listed Endangered and Threatened Species" report which lists threatened and endangered animals in Calhoun County. A no effect determination can be made if none of the activities involved in the project have potential to affect species or habitats. The "Michigan Federally-listed Endangered and Threatened Species" report for RE can be found at <https://www.fws.gov/midwest/endangered/lists/michigan-spp.html>. The report will be included in each ERR.

If the project will or could affect listed species or critical habitats consultation with the Fish and Wildlife Services is required. Any consultation will be included in the ERR.

More information about endangered species can be found in Endangered Species Act of 1973.

#### *Explosive and Flammable Hazards*

Explosive and flammable hazards need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

To evaluate explosive and flammable hazards, staff will determine whether the project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion. If so, within one mile of the project site, are there any current or planned stationary aboveground storage containers:

1. Of more than 100 gallon capacity, containing common liquid industrial fuels OR
2. Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?

If such aboveground tanks are present, do any of the following exceptions apply? The following categories of containers are not covered by 24 CFR Part 51 Subpart C requirements, in spite of the fact that they store or handle covered gases or liquids:

1. Stationary aboveground containers that store natural gas and have floating tops

2. Underground storage containers, mobile conveyances (tank trucks, barges, railroad tank cars), and pipelines, such as high pressure natural gas transmission pipelines or liquid petroleum pipelines
3. Aboveground storage tanks that are part of a one to four unit single-family FHA insured property
4. Aboveground storage tanks containing liquefied petroleum gas ("LPG" or propane) when they are 1,000 gallons or less in volume and comply with the National Fire Protection Association (NFPA) Code 58, version 2017 (NFPA 58 (2017)).

For proposed development activities in proximity to aboveground storage tanks (ASTs) that are not excluded by the exceptions listed, the Acceptable Separation Distance (ASD) can be calculated based on the volume of the container, the contents, and whether or not the container is diked. Once the volume of the container (gallons), dike dimensions, and phase of state of the product (liquid or gas) are known, the ASD can be calculated using the ASD Electronic Assessment Tool. The tool can be found at:

<https://www.hudexchange.info/programs/environmental-review/asd-calculator>.

To completely evaluate explosive and flammable hazards, staff will also need to determine whether the project includes a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)? If so, is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present? The ASD will need to be calculated. ASD calculations will be included in the ERR for any project that requires it.

More information on explosive and flammable hazards can be found at 24 CFR Part 51 Subpart C.

#### *Farmland Protection*

Farmland protection need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

Staff will determine whether the project includes new construction, acquisition of undeveloped land, or conversion that could potentially convert one land use to another. If so, does the project meet one of the following exemptions:

1. Construction limited to on-farm structures needed for farm operations
2. Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
3. Project on land used for water storage
4. Project on land already in or committed to urban development

If the project does not meet an exemption it requires further evaluation. Does "Important Farmland," including prime farmland, unique farmland, or farmland of statewide or local importance occur on the project site? Staff will utilize the US Department of Agriculture's (USDA) Web Soil Survey (<https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) to determine if Important Farmland is present. Staff will also utilize the local USDA office for any necessary consultation and assistance. All correspondence will be included in the ERR. If Important Farmland is impacted, alternatives to completing the project on the farmland and means of avoiding impact to the farmland will be considered.

More information about farmland protections can be found in the Farmland Protection Policy Act.



### *Floodplain Management*

Floodplain management need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

Staff will determine whether the project is in a floodplain by creating a firmette. The firmette will be created by using the National Flood Hazard Layer Viewer

(<https://hazardsfema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>). The firmette will be included in the ERR whether the project is in a floodplain or not.

If the project is in a floodplain, staff will determine whether an exception applies. Exceptions can be found at 55.12(c). If an exception does not apply, staff will determine whether an 8-Step Process is required. If the project is a 100 year floodplain (A Zone) or is a critical action in a 500 year floodplain (B Zone or shaded X Zone) an 8-Step Process is required (unless it is inapplicable per 55.12(b)).

#### 8-Step Decision Making Process for Projects in the Floodplain

1. Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).
2. Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.
3. Identify and evaluate practicable alternatives. Identify the project site selection criteria and consider several alternative sites and actions:
  - a. Locate the project within the floodplain
  - b. Consider modifying the project
  - c. Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)or:
  - a. Locate the Project Outside of the Floodplain
  - b. Consider other sites
  - c. Consider no action or alternative actions that serve the same purpose
4. Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.
5. Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.
6. Reevaluate the Alternatives.
7. Determination of No Practicable Alternative
8. Implement the Proposed Action

Please note: federal assistance may not be used in a floodway (channel of a river or other watercourse) unless the project is a functionally dependent use or floodplain function restoration activity or a 55.12(c) exception applies. If it is a functionally dependent use or restoration activity, the 8-Step Process is required.

More information on floodplain management can be found at 24 CFR Part 55.

### *Historic Preservation*

Historic preservation needs to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

### *Michigan State Historic Preservation Office Consultation (SHPO)*

Before any expenditure of federal funds, and before granting any licenses, permit, or other approval, federal agencies must consider the possible effects of their actions on historic properties. The RE, as the responsible entity, assumes the role and responsibilities of the federal agency for many HUD-assisted programs and projects under 24 CFR Part 58.

All RE CDBG projects meet the definition of an “undertaking”. An undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out with federal financial assistance; and those requiring a Federal permit, license, or approval. Environmental Officers assume the responsibility for consulting with MSHPO.

#### Step 1: Initiate Consultation

1. Determine if the “undertaking” has no potential to cause effects to historic properties: Activities without physical impacts fall into this category. A determination of no potential to cause effects results in the completion of the Section 106 review and compliance with Section 106.
2. Identify State/Tribal Historic Preservation Office and federally recognized Indian tribes/Native Hawaiian organizations: See “Standards for Tribal Consultation” on page 9.
3. Plan to involve the public using existing public participation procedures.
4. Identify other consulting parties, including but not limited to: developers and interested parties

#### Step 2: Identify and Evaluate Historic Properties

1. Define and review existing information on the Area of Potential Effects (APE): The APE is the geographic area or areas within which the “undertaking” may directly or indirectly cause alteration in the character or use of historic properties. The APE is defined by four things
  - a. The nature and scale of the project.
  - b. The kinds of effects the project may cause.
  - c. The kinds of historic properties that may be located in the project vicinity for National Register eligibility, regardless of age.
  - d. Input from the SHPO/THPO and other consulting parties to identify issues related to the undertakings potential effects.
2. Submit finding and supporting documentation of “no historic properties affected” or “historic properties effects” to SHPO/THPO for 30-day review.
  - a. In Section 106 terms, “effect” on a historic property means alternation to the characteristics that qualify it for inclusion in or eligibility for the National Register.
3. Notify all consulting parties of finding and provide supporting documentation.
4. If SHPO/THPO does not object to a “no historic properties affected” finding, make the finding/documentation available for public review before approving the undertaking.
5. If historic properties are affected, proceed to Step 3

#### Step 3: Assess effects

1. Apply criteria of adverse effect, in consultation with SHPO/THPO and consulting parties.

2. Submit finding and supporting documentation of “no adverse effect” to “adverse effect” to all consulting parties for 30-day review.
3. If adverse effect, consider modifications to the project or agree to conditions to avoid adverse effects.
4. If SHPO/THPO and/or consulting parties do not object to a “no adverse effect” finding, make the finding/documentation available for public review before approving the undertaking.
5. If there is still adverse effects, proceed to Step 4.

#### Step 4: Resolve Adverse Effects

1. Notify the Advisory Council on Historic Preservation of the adverse effect finding and provide documentation outlined in 800.11(e)
2. Invite ACHP to participate if you want to, if the project directly or adversely affects a National Historic Landmark, or if you will develop a Programmatic Agreement
3. Continue consultation with consulting parties to consider ways to avoid, minimize, to mitigate adverse effects.
4. Negotiate, draft, and sign agreed upon terms in an agreement document (Memorandum of Agreement or Programmatic Agreement)
5. File a copy with ACHP and make it available for public review before approving the undertaking.

#### *Tribal Consultation*

Tribal consultation as part of the historic preservation and section 106 process will be undertaken when the project activities or scope of work trigger consultation. The HUD form “When to Consult with Tribes under Section 106” will be used to determine when tribal consultation is needed. A completed copy of the form will be kept in the ERR.

Tribal consultation is required if the project includes any of the following activities:

1. Ground disturbance (digging)
2. New construction in undeveloped natural areas
3. Incongruent visual changes – impairment of the vista or view shed from an observation point in the natural landscape
4. Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
5. Incongruent atmospheric changes – introduction of lights that create sky glow in an area with a dark night sky
6. Work on a building with significant tribal association
7. Transfer, lease or sale of a historic property of religious and cultural significance

HUD’s Tribal Directory Assessment Tool (TDAT) (<https://egis.hud.gov/tdat/>) will be used to identify tribes that have an interest in the area where the project is located. All identified tribes will be sent a letter and a copy of the Section 106 packet. Tribes have 30 days from the time of receipt of the consultation to issue a response. RE will not proceed with a project until that time period has elapsed. Tribal responses will be kept in the ERR.

Only RE will complete tribal consultation. A consultant will not be used for tribal consultation.

More information about historic preservation can be found in the National Historic Preservation Act or CPD Notice 12-006 “Process for Tribal Consultation in Projects that are Reviewed under 24 CFR Part 58”.

#### *Noise Abatement and Control*

Noise needs to be evaluated for the following levels of review: exempt; categorically excluded not subject to; categorically excluded subject to; environmental assessment and environmental impact statement.

To evaluate noise, staff will determine whether the project involves new construction for residential use or rehabilitation of an existing residential property. If so, staff will determine if the project location is within 1,000 feet of a major roadway (10,000 cars per day), 3,000 feet of a railroad or 15 miles of a military or FAA-regulated airfield. Staff will use HUD’s Day/Night Noise Level (DNL) Calculator to calculate the noise level.

All sites whose environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas. For new construction that is proposed in high noise areas, noise attenuation features will be incorporated into the scope of work. The "Normally Unacceptable" noise zone includes community noise levels from above 65 decibels to 75 decibels. Approvals in this noise zone require a minimum of 5dB additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65dB but does not exceed 70dB, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70dB but does not exceed 75dB.

Locations with day-night average noise levels above 75dB have “Unacceptable” noise exposure. For new construction, noise attenuation measures in these locations require the approval of the Responsible Entity’s Certifying Office. The acceptance of such locations normally requires an environmental impact statement.

All housing rehabilitation locations that exceed acceptable noise levels and that are getting windows replaced as part of the scope of work will be offered noise attenuation windows, though homeowners do have the option of declining the upgrade. If homeowners decline noise attenuation, a signed form declining the upgrade is kept in their project file.

DNL calculations are included in the ERR.

More information on noise can be found at 24 CFR Part 51, Subpart B.

#### *Sole Sources Aquifers*

Sole source aquifers need to be evaluated for the following levels of review: exempt; categorically excluded not subject to; categorically excluded subject to; environmental assessment and environmental impact statement.

There are no sole source aquifers in Michigan. A sole source aquifer map for Region 5 will be included as documentation in each ERR. Maps can be generated at: [Sole Source Aquifers \(arcgis.com\)](https://arcgis.com).

More information about sole source aquifers can be found in the Safe Drinking Water Act of 1974.

### *Wetland Protections*

Wetland protections need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

To evaluate wetland protections, staff must first determine if an exception applies. Exceptions can be found at: 55.12(a) (3), 55.12(a) (4), 55.12(c) (3), 55.12(c) (7), and 55.12(c) (10). If no exception applies then staff must determine whether the project involves new construction, expansion of a buildings footprint or ground disturbance. If so, will the new construction or other ground disturbance impact an on- or off-site wetland?

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. If so, an 8-Step Process must be completed to determine that there are no practicable alternatives to wetlands development.

A wetland map will be created for projects and included in the ERR. Wetland maps can be created on the Wetlands Mapper tool on the U.S. Fish and Wildlife Services website (<https://www.fws.gov/wetlands/data/mapper.html>).

More information about wetlands can be found in Executive Order 11990: Protection of Wetlands.

### *Wild and Scenic Rivers*

Wild and scenic rivers need to be evaluated for the following levels of review: categorically excluded subject to; environmental assessment and environmental impact statement.

To evaluate wild and scenic rivers, staff must determine whether the project is within close proximity (with a quarter mile) of a wild and scenic river, study river or nationwide rivers inventory (NRI) river. There are no wild and scenic rivers or study rivers in Calhoun or adjacent Counties.

A Wild and Scenic River map will be created for all projects and included in the ERR. Maps can be created at <https://www.rivers.gov/river-app/index.html?state=MI>.

More information about wild and scenic rivers can be found in the Wild and Scenic Rivers Act.

### *Environmental Justice*

Environmental justice needs to be evaluated for the following levels of review: exempt; categorically excluded not subject to; categorically excluded subject to; environmental assessment and environmental impact statement.

Staff will evaluate whether the project creates adverse environmental impacts. If so, are the adverse environmental impacts disproportionately high for low-income and/or minority communities? If so, can adverse impacts be mitigated? The project determination will be included in the ERR. City maps of CDBG Revitalization Areas identify the areas with the highest concentrations of minority and low income populations in the City and can be located on the Community Development Drive at M:\Community Development Files\2\_Admin & Planning. Narratives that describe the neighborhood demographics, conditions, and market trends are prepared each year for these target areas in the Annual Action Plan.

If any project causes environmental justice concerns, RE will engage the affected community in meaningful participation about mitigating the impacts or consider alternative projects/locations. All community participation correspondence and documentation will be kept in the project ERR.

More information about environmental justice can be found in Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations.

## STEP 4: Mitigation Measures and Written Strategies

### Mitigation Measures and Plan

Mitigation measures can be used to minimize potentially significant adverse environmental impacts. For any related law and authority that cannot reach compliance for a project, mitigation measures are necessary. The mitigation plan will explain how the mitigation measures and conditions will be carried out and monitored. The measures and conditions will be incorporated into project contracts, development documents and other relevant documents. The person responsible for implementing and monitoring the mitigation measures and the timeframe of completion will be the HUD Program Coordinator.

### Written Strategies

Written strategies are used in a tiered environmental approach. When compliance can't be achieved at the broad-level, the ERR requires a written strategy be created for the related law and authority to provide the policy, standard, or process that will be followed in the site-specific review.

## STEP 5: Environmental Finding

This section details the types of finding and subsequent actions that can result from an environmental review.

### No Statutory Concerns Raised By Project (Option 1)

This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status “A” has been determined in the status column for all authorities); Funds may be drawn down for this (now) EXEMPT project. If the proposed project complies fully with all of the items on the Statutory Checklist and the Compliance Documentation Checklist, revise the status of the project from categorical exclusion subject to §58.5 to exempt activity pursuant to §58.34(a)(12).

#### *Finding*

Status reverts to Exempt Activity and the determination is declared on the Statutory Checklist.

#### *Next Step*

Sign and date the Statutory Checklist form and place in the ERR. A copy of this form is included in the project file.

### Some Statutory Concerns Raised By Project (Option 2)

This project cannot convert to exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before drawing down or obligating funds.

If one or more items on the checklist trigger compliance, the proposed activity cannot be approved until assurance is given that the necessary approvals, controls, or mitigating actions have taken place in order to bring the activity into compliance. Some activities cannot be made acceptable for federal funding due to the inability of being able to mitigate any items identified in 58.5 and 58.6. If, however, there is confidence that the appropriate reviews, controls, and mitigations will reasonably take place, reaffirm that the proposed activity is a categorical exclusion subject to §58.5 and document the basis for believing that necessary ameliorative action will occur.

#### *Finding*

Status remains Categorical Exclusion subject to §58.5

#### *Next Step*

Continue to STEP 6: Publication of Notice of Intent (NOI) Request for Release of Funds (RROF) and Finding of No Significant Impact (FONSI)

### Potential of Significant Environmental Impacts (Option 3)

The unusual circumstance of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

State that NEPA requires an Environmental Assessment for proposed projects that are neither exempt nor categorically excluded, according to §58.36. Review the proposal to determine if any part of the



project exceeds any NEPA threshold in §58.37(b). Use the environmental assessment form in to evaluate the project in conjunction with the Statutory Checklist and assess the probable environmental impact.

*Finding of No Significant Impact (FONSI)*

If the proposed project does not result in a finding of significant impact or exceed any threshold in §58.37(b), make a finding of no significant impact (FONSI) in the ERR. Initiate the FONSI and NOI/RROF procedures.

*Next Step*

Continue to STEP 6: Publication of Notice of Intent (NOI) Request for Release of Funds (RROF) and Finding of No Significant Impact (FONSI)

*Finding of Significant Impact (FOSI)*

If the proposed project does exceed any threshold in §58.37(b), make a finding of significant impact (FOSI) in the ERR.

*Next Steps:*

Initiate the FOSI/EIS procedure outlined in 24 CFR Subparts F and G. An Environmental Impact Statement is required when a project has been determined to have a significant impact on the human environment or under any of the circumstances described in §58.37(b). The EIS must meet the minimum qualifications for an EIS format of the Council on Environmental Quality's NEPA regulations found at 40 CFR §1502.10.

## STEP 6: Publication of Notice of Intent (NOI) Request for Release of Funds (RROF) and Finding of No Significant Impact (FONSI)

### Exempt

The Environmental Review Record must show that the eligible activity appears on the list of Exempt Activities in 24CFR 58.34(a), shown above in Step 1: Determining the Level of Review. Except for the applicable requirements of Sec. 58.6, the RE does not have to comply with the requirements of 24 CFR 58 or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in Sec. 58.5. The REs do not have to publish a NOI/RROF or submit to HUD a HUD Form 7015.15. No further approval from HUD will be needed by the City for the drawdown of funds to carry out exempt activities and projects.

### Categorically Excluded Not Subject to §58.5 (CENST)

The Environmental Review Record must show that the eligible activity appears on the list of Exempt Activities in 24CFR 58.34(a), shown above in Step 1: Determining the Level of Review. Except for the applicable requirements of Sec. 58.6, the RE does not have to comply with the requirements of 24 CFR 58 or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in Sec. 58.5. The REs do not have to publish a NOI/RROF or submit to HUD a HUD Form 7015.15. No further approval from HUD will be needed by the City for the drawdown of funds to carry out exempt activities and projects

### Categorically Excluded Subject to §58.5 (CEST)

CD Staff will publish a Notice of Intent to Request a Release of Funds (NOI/RROF) for projects that are Categorically Excluded Subject to §58.5 and projects requiring EAs, using the HUD recommended format. At a minimum, staff shall publish the NOI/RROF notice in a newspaper of general circulation. Additionally, the following shall be notified:

1. Individuals and groups known to be interested in the activities
2. Appropriate tribal, local, State and Federal agencies
3. Regional Offices of the Environmental Protection Agency
4. HUD Field Office – Local HUD Representative

CD Staff must consider the comments and make modifications, if appropriate, in response to the comments, before it certifies and submits the RROF to HUD. The public comment period is 7 days when published, counting from the day after the publication.

### Environmental Assessments (EA)

If the CD staff makes a Finding of No Significant Impact from an EA, it must prepare a Finding of No Significant Impact (FONSI) notice, using the HUD recommended format. At a minimum, CD staff shall publish the FONSI/NOI/RROF combined notice in a newspaper of general circulation and on the City's CD website. Additionally, the following shall be notified:

1. Individuals and groups known to be interested in the activities
2. Appropriate tribal, local, State and Federal agencies
3. Regional Offices of the Environmental Protection Agency (Attachment IV)
4. HUD Field Office – Local HUD Representative

The FONSI public comment period is 15 days when published, counting from the day after the publication. CD STAFF typically publishes a FONSI notice at the same time it publishes the NOI/RROF. If the notices are released as a combined notice, the combined notice shall clearly indicate that it is intended to meet two separate procedural requirements; and, advise the public to specify in their comments which "notice" their comments address. The public comment period is 15 days when published, counting from the day after the publication.

## STEP 7: Preparation and Submission of the Request for Release of Funds (RROF)

If no comments are received or once the comments are addressed, a HUD-7015.15 Request for Release of Funds (RROF) will be prepared by CD staff and signed by the City Manager (Certifying Official). Once the signature is obtained, it will be submitted to the local HUD office. If comments are received CD 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. The RE cannot sign the RROF until the day after the public comment period closes.

The form must be printed on both sides and the original copy must be submitted to HUD. The RROF cannot be altered in any way. In preparing a RROF, CD must ensure that all applicable sections are completed. This includes the following:

1. HUD program for which funds are being requested is included
2. The Name and Address of the RE
3. Name and Address of the Recipient if it is not the RE
4. Project description for which RE is requesting funds
5. Indication of whether an EIS was or was not required
6. Signature of the Certifying Officer
7. Copy of Ordinance Delegating City Manager's authority as Certifying Officer to the Grants Administrator
8. Certification Date after expiration of public notice comment period
9. Signature of the authorized officer of the Recipient when the Recipient is not the RE
10. Date of signature of the Recipient after expiration of the public notice comment period
11. Attach a copy of the public notice
12. Attach a copy of the citizen comments and responses

The receipt of the RROF by HUD will begin the fifteen (15) day period for HUD to receive comments. The original RROF document and a copy of the publication will be mailed to the Detroit HUD office or submitted in pdf format in HEROS.

After HUD's fifteen (15) day comment period and no comments were received, HUD will send the City an Authority to Use Grant Funds (form HUD-7015.16). At this point the City is authorized to commit and use federal funds to undertake the various projects.

#### STEP 8: After Approval of the Environmental Review Record

1. CD staff shall add (if applicable) all public notice affidavits, citizen comments and responses, RROF, and the ATUGF to the environmental review record.
2. CD staff shall notify the agency or city department of approved environmental record.
3. CD staff shall ensure all mitigation and environmental requirements are incorporated into any contractual agreements.

#### STEP 9: Environmental Review Recordkeeping

1. CD staff shall ensure all Environmental Review Records are certified by the Grant Administrator (Certifying Officer).
2. CD staff shall maintain the certified Environmental Review Records including the Public Notice Affidavit, Request for Release of Funds (RROF) Form 7015.15, and the Authority to Use Grant Funds (ATUG) Form 7015.16 in department files.
3. CD staff shall ensure the Environmental Review Records remain accessible for monitoring and audit purposes.

## Resources

The following is a list of additional resources used by CD staff to complete environmental reviews:

1. Environmental Review Guide for Community Development Block Grant Programs, [Environmental Review Guide for CDBG Programs \(hudexchange.info\)](https://www.hudexchange.info/public/environmental-review-guide-for-cdbg-programs/)
2. HUD Noise Guidebook, [HUD Noise Guidebook - HUD Exchange](https://www.hudexchange.info/public/noise-guidebook/)
3. Environmental Review Flowchart, [Module2 Flowchart.pdf \(hudexchange.info\)](https://www.hudexchange.info/public/environmental-review-flowchart/)
4. Part 58—Environmental Review Procedures For Entities Assuming HUD Environmental Review Responsibilities, [Electronic Code of Federal Regulations \(eCFR\)](https://www.ecfr.gov/current/title-24/chapter-I/subchapter-B/part-58)
5. WISER Training Modules, [Web-Based Instructional System for Environmental Review \(WISER\) - HUD Exchange](https://www.hudexchange.info/public/wiser/)

## Attachments

1. City of Battle Creek CDBG Minor Home Repair Program Tier II Site-Specific Checklist
2. City of Battle Creek HUD-LEAD OLHCHH Tier II Site-Specific Environmental Review Checklist
3. City of Battle Creek Environmental Review Tracking Form
4. Summary of Levels of Environmental Review & Documentation Required In ERR
5. Examples of Maintenance Activities vs. Rehabilitation Activities For Environmental Review Purposes.

**CITY OF BATTLE CREEK**  
**CDBG MINOR HOME REPAIR PROGRAM**  
**TIER II SITE-SPECIFIC CHECKLIST**

*Completion of this site-specific review constitutes Tier II of a tiered environmental review. Environmental criteria already addressed in the broad-level Tier I are not reviewed here.*

Project Address:
Property Owner:
Description of Proposed Minor Home Repair Activity:

<b>FLOOD INSURANCE &amp; FLOODPLAIN MANAGEMENT</b> <i>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]  Executive Order 11988, particularly section 2(a); 24 CFR Part 55 for Floodplain Management.</i>		
Is the property located in a FEMA-identified Special Flood Hazard area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Attach copy of FEMA flood hazard map/FIRMette with project location identified.</i>		
FIRM Panel Number:	Flood Hazard Zone:	
<i>If the property is located in a Special Flood Hazard Area – stop. Minor Home Repair financial assistance will not be provided due to flood insurance monitoring requirement.</i>		
<i>If the property is not within a floodplain and flood insurance is not required. Proceed.</i>		

<b>MAINTENANCE CATEGORICAL EXCLUSION</b> <i>24 CFR Part 58.35(b)(3)</i>		
Is the proposed activity considered “maintenance” per HUD CPD-16-02?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If considered maintenance, attach a copy of CPD-16-02 with the activity identified. No further environmental review required.</i>		

<b>HISTORIC PRESERVATION</b> <i>National Historic Preservation Act of 1966, particularly Sections 106 and 110  Executive Order 11593  36 CFR Part 800</i>		
Year Built:		
Is the property 50 years or older?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

*If the property is 50 years or older, send Historic Significance Response Sheet and Housing Rehab Inventory Card to SHPO and wait for SHPO response.  
Attach Response Sheet with SHPO comments and, if applicable, signed acceptance letter from SHPO stating, "no adverse effect provided the following conditions are met."*

SHPO Section 106 Consultation completion date:  

*If the property is not 50 years or older, proceed.*

### **CONTAMINATION AND TOXIC SUBSTANCES**

*24 CFR Part 58.5(i)(2)*

*Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to: (i) sites listed on EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) sites located within 3,000 feet of a toxic or solid waste landfill; or (iii) sites with an underground storage tank.*

Are there visible dumps, landfills, industrial sites or other locations containing or releasing toxic/hazardous/radioactive materials, chemicals, or hazardous wastes on or near the subject site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Does this project site contain an underground storage tank (other than a residential fuel tank)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Is the project site located within 3,000 feet of a toxic or solid waste landfill?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*Consult EPA or State of MI DEQ data sources. Attach map or other documentation of absence or presence of potential project site contamination.*

*If "No" to all questions in Contamination and Toxic Substances section, proceed.  
If "Yes" to one or more Contamination and Toxic Substances question, further due diligence required.*

### **ENVIRONMENTAL JUSTICE**

*Executive Order 12898*

Does the proposed activity/project subject low-income and/or minority individuals to adverse environmental impacts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*Based on all environmental criteria evaluated in this Tier II review, determine whether the proposed activity/project will result in a disproportionate impact on an Environmental Justice community.*

Prepared by:

Title:

Signature: \_\_\_\_\_

Date:



**CITY OF BATTLE CREEK  
HUD LEAD HAZARD CONTROL PROGRAM  
TIER II SITE-SPECIFIC CHECKLIST**

*Completion of this site-specific review constitutes Tier II of a tiered environmental review. Environmental criteria already addressed in the broad-level Tier I are not reviewed here.*

Project Address:
Property Owner:
Description of Proposed Project/Activity:

**FLOOD INSURANCE & FLOODPLAIN MANAGEMENT**

*Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]  
Executive Order 11988, particularly section 2(a); 24 CFR Part 55 for Floodplain Management.*

Is the property located in a FEMA-identified Special Flood Hazard area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*Attach copy of FEMA flood hazard map/FIRMette with project location identified.*

FIRM Panel Number:	Flood Hazard Zone:
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*If the property is located in a Special Flood Hazard Area – stop. HUD Lead Hazard Control financial assistance will not be provided due to flood insurance monitoring requirement.*

*If the property is not within a floodplain and flood insurance is not required. Proceed.*

**MAINTENANCE CATEGORICAL EXCLUSION**

*24 CFR Part 58.35(b)(3)*

Is the proposed activity considered “maintenance” per HUD CPD-16-02?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

*If considered maintenance, attach a copy of CPD-16-02 with the activity identified. No further environmental review required.*

**HISTORIC PRESERVATION**

*National Historic Preservation Act of 1966, particularly Sections 106 and 110  
Executive Order 11593  
36 CFR Part 800*

Year Built:

Is the structure 50 years or older?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the structure is 50 years or older, send Historic Significance Response Sheet and Housing Rehab Inventory Card to SHPO and wait for SHPO response.  
Attach Response Sheet with SHPO comments and, if applicable, signed acceptance letter from SHPO stating, “no adverse effect provided the following conditions are met.”*

SHPO Section 106 Consultation completion date:

*If the property is not 50 years or older, proceed.*

**CONTAMINATION AND TOXIC SUBSTANCES***24 CFR Part 58.5(i)(2)*

*Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to: (i) sites listed on EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) sites located within 3,000 feet of a toxic or solid waste landfill; or (iii) sites with an underground storage tank.*

Are there visible dumps, landfills, industrial sites or other locations containing or releasing toxic/hazardous/radioactive materials, chemicals, or hazardous wastes on or near the subject site?

☐ Yes☐ No

Does this project site contain an underground storage tank (other than a residential fuel tank)?

☐ Yes☐ No

Is the project site located within 3,000 feet of a toxic or solid waste landfill?

☐ Yes☐ No

*Consult EPA or State of MI EGLE data sources. Attach map or other documentation of absence or presence of potential project site contamination.*

*If "No" to all questions in Contamination and Toxic Substances section, proceed.  
If "Yes" to one or more Contamination and Toxic Substances question, further due diligence required.*

**NOISE ABATEMENT AND CONTROL**

*Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B*

Is the project located within 1000 ft. of a busy road or highway, 3000 ft. of a railroad, or 15 miles of a military airfield/civil airport meeting HUD's compliance threshold?

☐ Yes☐ No

*Attach map showing site location and distance to applicable highways, railroads, etc. If the project is located within the above distance thresholds, complete and attach the Noise Abatement and Control Checklist and document any necessary attenuation or mitigation measures.*

**ENVIRONMENTAL JUSTICE**

*Executive Order 12898*

Does the proposed activity/project subject low-income and/or minority individuals to adverse environmental impacts?

☐ Yes☐ No

*Based on all environmental criteria evaluated in this Tier II review, determine whether the proposed activity/project will result in a disproportionate impact on an Environmental Justice community.*

Prepared by:

Title:

Signature: \_\_\_\_\_

Date:

**City of Battle Creek Environmental Review Record Tracking Form**

<b>Project/Activity</b>	<b>Source of Funds</b>	<b>Project Year(s)</b>	<b>Environmental Review Date</b>	<b>Commitment Date</b>	<b>Certifying Signature/Date</b>

## SUMMARY OF LEVELS OF ENVIRONMENTAL REVIEW &amp; DOCUMENTATION REQUIRED IN ERR

rev. 1-27-2010

LEVEL OF ENVIRONMENTAL REVIEW				
58.34 Exempt	58.35(b) Categorically Excluded <b>NOT</b> subject to 58.5	58.35(a) Categorically Excluded <b>AND</b> subject to 58.5 “A” <b>checked</b> for all on Statutory Worksheet*	58.35(a) Categorically Excluded <b>AND</b> subject to 58.5 statutory authorities: “B” <b>checked for one or more</b> on Statutory Worksheet*	58.36 NEPA Environmental Assessment
TYPE OF ACTIVITIES				
Environmental and other studies  Resource Identification  Development of plans and strategies  Information and financial services  Administrative and Management Activities  Public services, i.e., employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, welfare, recreational needs  Inspections and testing for hazards or defects  Purchase insurance and tools  Engineering or design costs  Technical assistance and training  Temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities to control or arrest the effects from disasters or imminent threats to public safety, including those resulting from physical deterioration.  Payments of principal and interest on loans or obligations guaranteed by HUD	Tenant-based rental assistance  Supportive services such as health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent, mortgage, or utilities, assistance in gaining access to government benefits.  Operating costs including maintenance, furnishings, security, equipment, operation, supplies, utilities, staff training and recruitment  Economic development activities including equipment purchase, inventory financing, interest subsidy, operating costs, and other expenses not associated with construction or expansion  Activities to assist homeownership of existing dwelling units or units under construction, including closing costs and down payment assistance to homebuyers, interest buy downs or other actions resulting in transfer of title.  Affordable housing pre-development costs: legal consulting, developer and other site-option costs, project financing, administrative costs for loan commitments, zoning approvals, and other activities which don't have a physical impact.  Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under Part 58, if: approval is by same the RE, and re-evaluation is not required, per 58.47	Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity of more than 20% <ul style="list-style-type: none"><li>Replacement of water or sewer lines</li><li>Reconstruction of curbs &amp; sidewalks</li><li>repaving of streets</li></ul> Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped.  Single Family Housing Rehab <ul style="list-style-type: none"><li>Unit density is not increased beyond 4 units,</li><li>Project doesn't involve change in land use from residential to non-residential</li><li>The footprint of the building in not increased in a floodplain or a wetland.</li></ul> Multifamily Housing Rehab <ul style="list-style-type: none"><li>Unit density change is not more than 20%</li><li>Project doesn't involve change in land use from residential to non-residential</li><li>Cost of rehabilitation is less than 75% of the estimated cost of replacement after rehab</li></ul> Non-Residential Structures <ul style="list-style-type: none"><li>Facilities and improvements were in place and will not be changed in size or capacity by more than 20%</li><li>Activity does not involve change in land use from non-residential to residential, commercial to industrial, or one industrial use to another</li></ul> Individual action (e.g., disposition, new construction, demolition, acquisition) on a 1 to 4 family dwelling; or individual action on five or more units scattered on sites more than 2000 feet apart and no more than 4 units per site.  Acquisition (including leasing) or disposition of, or equity loans on an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.  Combinations of the above activities	Activities not exempt or categorically excluded.  Generally, new construction of 5 or more homes, and conversion from one type of land use to another.	
DOCUMENTATION REQUIRED IN ERR				
Describe activity and make a written determination of exemption.  Also, determine compliance with 58.6: <ul style="list-style-type: none"><li>National Flood Insurance Program</li><li>Coastal Barrier Resource Act</li><li>Runway Clear Zones</li></ul>	Describe activity and make a written 58.35(b) determination.  Also, determine compliance with 58.6: <ul style="list-style-type: none"><li>National Flood Insurance Program (NFIP)</li><li>Coastal Barrier Resource Act (CBRA)</li><li>Runway Clear Zones</li></ul>	Complete Statutory Worksheet, (sec. 58.5) and indicate converts exempt.  Also, determine compliance with 58.6 <ul style="list-style-type: none"><li>NFIP</li><li>CBRA</li><li>Runway Clear Zones</li></ul>	Complete Statutory Worksheet (sec. 58.5) NOI/RROF notification RROF & Certification (form 7015.15) Authority to Use Grant Funds (form 7015.16)  Also, determine compliance with 58.6 <ul style="list-style-type: none"><li>National Flood Insurance Program</li><li>Coastal Barrier Resource Act</li><li>Runway Clear Zones</li></ul>	Environmental Assessment (including Statutory Checklist)* FONSI and NOI/RROF notification Form 7015.15 Form 7015.16  Also, determine compliance with 58.6

\*HUD recommended format

## EXAMPLES OF MAINTENANCE ACTIVITIES vs. REHABILITATION ACTIVITIES FOR ENVIRONMENTAL REVIEW PURPOSES

Feature or System	Maintenance Activities <sup>4</sup>	Rehabilitation Activities <sup>5</sup>
<b>Site</b>	<ul style="list-style-type: none"> <li>lawn care (litter pickup, mowing, raking), trimming trees and shrubs</li> <li>snow/ice removal</li> <li>neighborhood cleanup</li> <li>application of pavement sealants, parking lot restriping, directional signage or marking for handicapped accessibility</li> <li>repair of cracked or broken sidewalks</li> </ul>	<ul style="list-style-type: none"> <li>new landscaping throughout an area</li> <li>construction of new walkways, driveways or parking areas, or replacement thereof</li> </ul>
<b>Building Exterior</b>	<ul style="list-style-type: none"> <li>cleaning and fixing gutters and downspouts</li> <li>repainting previously painted surfaces (including limited wet scraping and low-pressure washing)</li> <li>replacing deteriorated section of siding</li> <li>removal of graffiti</li> </ul>	<ul style="list-style-type: none"> <li>cleaning masonry or stripping painted surfaces by sandblasting, acid wash, or high pressure washing</li> <li>applying new exterior siding</li> </ul>
<b>Roof</b>	<ul style="list-style-type: none"> <li>fixing leaks</li> <li>application of waterproof coating to a flat roof</li> <li>replacement of deteriorated flashing</li> <li>in-kind replacement of loose or missing shingles or tiles</li> </ul>	<ul style="list-style-type: none"> <li>complete replacement of roof with new shingles, tiles, roll roofing, membrane, or new metal roof</li> <li>installation of solar panels</li> </ul>
<b>Windows and Doors</b>	<ul style="list-style-type: none"> <li>washing windows</li> <li>caulking, weather stripping, re-glazing windows and doors</li> <li>fixing broken windowpane(s), storm window(s) or damaged entry door</li> <li>replacing broken door lock</li> <li>replacing a vandalized entry door to restore security of a building or unit</li> <li>replacing a single severely damaged window to match</li> <li>annual switch out of storm and screen panels</li> </ul>	<ul style="list-style-type: none"> <li>replacement of windows</li> <li>replacement of exterior doors</li> <li>adding storm windows or storm doors</li> </ul>
<b>Interior Walls and Ceilings</b>	<ul style="list-style-type: none"> <li>patching or mending cracked plaster</li> <li>patching or fixing holes or cracks in drywall</li> <li>replacing stained ceiling tiles</li> <li>painting or wallpapering</li> </ul>	<ul style="list-style-type: none"> <li>installation of new drywall or paneling</li> <li>installation of new acoustical ceiling</li> <li>installation of dropped ceilings</li> </ul>
<b>Flooring</b>	<ul style="list-style-type: none"> <li>cleaning floors</li> <li>stripping wooden floors and resealing</li> <li>installation or replacement of carpeting or vinyl flooring*</li> </ul>	<ul style="list-style-type: none"> <li>installation of new wood floor</li> </ul>

\* These maintenance items may require purchase of flood insurance if they occur in a Special Flood Hazard Area (SFHA), and costs exceed the standard deductible for the specific type of structure or unit under the National Flood Insurance Program (NFIP).

<b>Feature or System</b>	<b>Maintenance Activities <sup>4</sup></b>	<b>Rehabilitation Activities <sup>5</sup></b>
<b>Circulation</b>	<ul style="list-style-type: none"> <li>• in-kind replacement of broken stair treads or balusters</li> <li>• inspection and servicing of elevators</li> </ul>	<ul style="list-style-type: none"> <li>• rebuilding stair or constructing new stair</li> <li>• installation of new access ramp</li> <li>• elevator replacement</li> </ul>
<b>Kitchen</b>	<ul style="list-style-type: none"> <li>• replacement of stoves, refrigerators, and microwaves*</li> <li>• replacing cabinet hardware*</li> </ul>	<ul style="list-style-type: none"> <li>• complete or substantial kitchen remodel</li> </ul>
<b>Bathroom/Laundry</b>	<ul style="list-style-type: none"> <li>• unclogging sink or toilet</li> <li>• replacing deteriorated toilet in an occupied housing unit*</li> <li>• replacing broken medicine cabinet*</li> <li>• replacing washing machines and dryers*</li> <li>• installation of grab bars</li> </ul>	<ul style="list-style-type: none"> <li>• complete or substantial bathroom remodel</li> </ul>
<b>HVAC</b>	<ul style="list-style-type: none"> <li>• servicing and maintenance of mechanical systems</li> <li>• changing air filters</li> <li>• cleaning air ducts</li> <li>• installing or replacing a window air conditioner</li> <li>• replacing a malfunctioning part of a HVAC system like a thermostat *</li> </ul>	<ul style="list-style-type: none"> <li>• installation of new furnace or heat distribution system</li> <li>• installation of central air conditioning</li> </ul>
<b>Electrical/Lighting</b>	<ul style="list-style-type: none"> <li>• changing light bulbs</li> <li>• replacing malfunctioning light fixture, electrical switch or outlet*</li> </ul>	<ul style="list-style-type: none"> <li>• major rewiring of building</li> <li>• installation of new electrical service</li> <li>• replacing or moving electrical panels</li> </ul>
<b>Plumbing</b>	<ul style="list-style-type: none"> <li>• fixing plumbing leaks*</li> <li>• repairing damage from frozen pipes*</li> <li>• repairing water or sewer connection within existing utility trench alignment</li> <li>• replacing malfunctioning water heater*</li> </ul>	<ul style="list-style-type: none"> <li>• installation of new plumbing system</li> <li>• new water or sewer connection</li> </ul>
<b>Security</b>	<ul style="list-style-type: none"> <li>• repair of security alarm systems</li> <li>• boarding up a vacant building with protective plywood</li> <li>• installation of temporary security fencing</li> <li>• installation of security devices needed for an individual health facility patient</li> </ul>	<ul style="list-style-type: none"> <li>• installation of permanent security bollards</li> <li>• installation of new security alarm system</li> </ul>
<b>Life Safety</b>	<ul style="list-style-type: none"> <li>• servicing smoke, fire and CO2 detectors</li> <li>• installation of smoke, fire and CO2 detectors</li> </ul>	<ul style="list-style-type: none"> <li>• making substantial physical changes to a building to comply with fire and life safety codes</li> <li>• installing fire suppression system</li> </ul>
<b>Pest Infestation</b>	<ul style="list-style-type: none"> <li>• pest inspection/treatment</li> </ul>	

<sup>4</sup> Categorically Excluded from NEPA and not subject to the related authorities listed in 24 CFR 50.4 and 58.5, unless Extraordinary Circumstances apply pursuant to 24 CFR 50.19(a) or 58.35(c).

<sup>5</sup> Generally Categorically Excluded from NEPA and generally require review under related authorities listed in 24 CFR 50.4 and 58.5, but an RE or HUD reviewer may make a determination that an Environmental Assessment or Environmental Impact Statement is required due to individual project circumstances.