

ENVIRONMENTAL REVIEW RECORD

Documentation of a Categorical Exclusion for Projects/Activities Found at 24 C.F.R. Part 58.35(a), Which Are Subject to the Federal Laws and Authorities Found at 24 C.F.R. Part 58.5 and Other Requirements found at 24 C.F.R. Part 58.6

1 Project/Activity Information:

Project Name and Description: _____

HUD Program and Loan or Grant Number: _____

(Use the questions below to classify the proposed project/activity in compliance with HUD regulations found at 24 C.F.R. Part 58.35(a).)

*(Use this checklist **only** for HUD projects/activities determined Categorical Excluded pursuant to HUD regulations found at 24 C.F.R. Part 58.35(a).)*

*(24 C.F.R. Part 58.32 discusses that a responsible entity must group together and evaluate **as a single project** all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. This is termed, "project aggregation", and its purpose is to address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected, and closely related, or that are dependent upon other activities and actions. When attempting to classify projects/activities as categorically excluded, environmental reviewers should be cautious that the provisions of 24 C.F.R. Part 58.32 should be considered and the end result may be the required type of environmental review should actually be the preparation of an environmental assessment pursuant to 24 C.F.R. Parts 58.36 and Subpart E.)*

(Complete all parts of this document for all 24 C.F.R. Part 58.35(a) projects and activities.)

2 Classification of Project/Activity:

_____ 24 CFR Part 58.35(a)(1): Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets)

_____ 24 CFR Part 58.35(a)(2): Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons

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- _____ 24 CFR Part 58.35(a)(3): Rehabilitation of buildings and improvements when the following conditions are met:
- 1 to 4 unit building for residential use, when density is not increased beyond 4 units; land use is not changed; and the footprint of the building is not increased in a floodplain or in a wetland area
 - Multifamily residential buildings, when:
 - Unit density is not changed more than 20 percent;
 - The project does not involve changes in land use from residential to non-residential; and
 - The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation
 - Non-residential structures, including commercial, industrial, and public buildings, when:
 - Facilities and improvement are in place and will not be changed in size or capacity by more than 20 percent; and
 - The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another

- _____ 24 CFR Part 58.35(a)(4):
- An individual action (non-rehabilitation) on up to 4 dwelling units where there are maximum 4 units on any one site. The units can be 4 one-unit buildings or 1 four-unit building or any combination in between
 - An individual action (non-rehabilitation) on a project of 5 or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than 4 housing units on any one site

- _____ 24 CFR Part 58.35(a)(5):
- Acquisition (including leasing) or disposition of, or equity loans on, an existing structure
 - Acquisition (including leasing) of vacant land provided the structure or land acquired, financed, or disposed of will be retained for the same use

- _____ 24 CFR Part 58.35(a)(6): Combinations of the above activities

3 Statutory Checklist (ref.: 24 C.F.R. Part 58.5 – Related Federal laws and authorities)

24 CFR PART 58.5 STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

DIRECTIONS: Write “**A**” in the Status Column when the project, by its nature, does not affect the resources under consideration, OR write “**B**” if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see the attached “Statutory Checklist Instructions”). Compliance documentation must contain verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as needed.

Compliance Factors Documentation

(Statutes, Executive Orders, and regulations listed at 24 C.F.R. Part 58.5)

Status

(A or B)

Compliance Finding and

<p>Historic Properties</p> <ul style="list-style-type: none"> ▪ 36 CFR Part 800 regulations ▪ National Historic Preservation Act of 1966 ▪ Executive Order 11593, Protection and Enhancement of the Cultural Environment 		
<p>Floodplain Management</p> <ul style="list-style-type: none"> ▪ Executive Order 11988 ▪ 24 CFR Part 55 regulations 		
<p>Wetland Protection</p> <ul style="list-style-type: none"> ▪ Executive Order 11990 		
<p>Coastal Zone Management</p> <ul style="list-style-type: none"> ▪ Coastal Zone Management Act of 1972 	A	Not applicable for the States of CO, MT, ND, NE, SD, UT, & WY
<p>Sole Source Aquifers</p> <ul style="list-style-type: none"> ▪ Safe Drinking Water Act of 1974 ▪ 40 CFR Part 149 regulations 		
<p>Endangered Species</p> <ul style="list-style-type: none"> ▪ Endangered Species Act of 1973 		
<p>Wild and Scenic Rivers</p> <ul style="list-style-type: none"> ▪ Wild and Scenic Rivers Act of 1968 		
<p>Air Quality</p> <ul style="list-style-type: none"> ▪ Clean Air Act of 1970 ▪ 40 CFR Parts 6, 51, & 93 regulations 		
<p>Farmland Protection Policy Act</p> <ul style="list-style-type: none"> ▪ Farmland Protection Policy act of 1981 ▪ 7 CFR Part 658 regulations 		
<p>Environmental Justice</p> <ul style="list-style-type: none"> ▪ Executive Order 12898 		
<p><u>HUD ENVIRONMENTAL STANDARDS</u></p>		

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<p>Noise Abatement and Control</p> <ul style="list-style-type: none"> ▪ 24 CFR Part 51B regulations 		
<p>Explosive and Flammable Operations</p> <ul style="list-style-type: none"> ▪ 24 CFR Part 51B regulations 		
<p>Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances</p> <ul style="list-style-type: none"> ▪ 24 CFR Part 58.5(i)(2)(i) regulation 		
<p>Airport Clear Zones and Accident Potential Zones</p> <ul style="list-style-type: none"> ▪ 24 CFR Part 51B regulations 		

DETERMINATION:

- () **This project converts to Exempt** status, per 24 C.F.R. Part 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes, executive orders, or regulations, 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; OR
- () **This project cannot convert to Exempt** status because one or more of the listed statutes, executive orders, or regulations require(s) consultation or mitigation. Environmental consultation/mitigation requirements, pursuant to 24 C.F.R. Part 58 must be completed/determined to the point of reaching closure. A Notice of Intent to Request a Release of Funds must be published with its associated public comment periods pursuant to 24 C.F.R. Part 58.45 and Subpart H in coordination with HUD/State government (as applicable). Form HUD 7015.15, "*Request for Release of Funds and Certification*", must be properly executed pursuant to 24 C.F.R. Part 58, Subpart H and forwarded to HUD/State government (as applicable). Appropriate authority to use grant funds must be obtained from HUD/State government (as applicable) before drawing down funds; OR
- () **The unusual circumstances of this project may result in a significant environmental impact.** This project requires preparation of an Environmental Assessment (EA). An EA should be prepared pursuant to 24 C.F.R. Part 58, Subpart E.

4 Regulatory Checklist (ref.: 24 C.F.R. Part 58.6 – Other requirements):

_____ **24 C.F.R. Part 58.6(a): Flood Disaster Protection Act of 1973, as amended:**

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(NOTE: Applicable only when project/activity site is located in a community participating in the National Flood Insurance Program, administered by the Federal Emergency Management Agency.)

Is the project/activity located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

_____ Yes _____ No

FEMA Map Number: _____

If the answer to this question is yes, the project/activity cannot proceed unless flood insurance is obtained through the National Flood Insurance Program.

Insurance Policy Number: _____

_____ **24 C.F.R. Part 58.6(b): National Flood Insurance Reform Act of 1994, Section 582, (42 U.S.C. 5154a):**

(NOTE: Applicable only when the project site is located in an area where HUD disaster assistance is being made available.)

Is the project located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

_____ Yes _____ No

FEMA Map Number: _____

If "Yes", would the HUD disaster assistance be made to a person who had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance and that person failed to obtain and maintain the flood insurance?

_____ Yes _____ No

If "Yes", the HUD disaster assistance cannot be made to that person in the Special Flood Hazard Area to make a payment (including any loan assistance payment) for repair, replacement, or restoration for flood damage to any personal, residential, or commercial property.

Insurance Policy Number: _____

N/A **24 C.F.R. Part 58.6(c): Coastal Barrier Improvement Act of 1990, as amended:**

(NOTE: *Not applicable in the HUD Region VIII area. There are no coastal barriers identified in HUD Region VIII and in HUD Office of Native Americans, Northern Plains, States of CO, MT, NE, ND, SD, UT, and WY.*)

_____ **24 C.F.R. Part 58.6(d): Civilian Airport Runway Clear Zone and/or Military Airport Clear Zone:**

(NOTE: Applicable only if the project/activity involves HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D.)

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Does the project involve HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D?

_____ Yes _____ No

Source documentation:

If yes, the responsible entity must advise the buyer that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. For the appropriate content, go to: <http://www.hud.gov/offices/cpd/environment/review/qa/airporthazards.pdf>.

Environmental Review Preparer's Information:

Environmental Preparer's name, title, and organization (printed or typed):

Environmental Preparer's signature: _____

Date: _____

Responsible Entity, Representative's Information/Certification:

Responsible Entity, Representative's name, title, and organization (printed or typed):

Responsible Entity, Representative's signature: _____

Date: _____