

Figure E-10 Statutory Checklist

**STATUTORY CHECKLIST [§58.35(a) activities]  
for Categorical Exclusions and Environmental Assessments**

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become “exempt” under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

**Project Name and Identification No 10 East Avenue, Milford, Connecticut**

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
<b>Document Laws and authorities listed at 24 CFR Sec. 58.5</b>							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SHPO Consulted and determined the activity will contitute no adverse effects on historical resources. See SHPO Letter dated September 30, 2014 attached
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flood Zone AE FEMA FIRMette Panel 09009C0534J, map revised July 8, 2013 attahed-Flood Management Permit required from the CTDEEP
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is not located in any identified wetlands, see attached USFWS Wetlands Inventory map. Local ILWL review may be necessary.
4. Coastal Zone Management [58.5(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parcel is shown within the Coastal Area Management (CAM) waived
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No aquifers were identified in the area of the site on the CTDEEP GIS, See attached map
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CT NDDB not required. Endangered species list generated from USFWS (attached) indicated Roseate Tern, no negative impacts are anticipated for project work, see attached FWS letter.
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Per the CT DEEP there are no Wild and Scenic Rivers in the Town of Milford
8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any air quality impacts should be short term and localized.

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9. Farmland Protection [58.5(h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site has already been developed and no additional clearing is required for the rehabilitation
Manmade Hazards 10 A. Thermal Explosive [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There will be no change in density or change of use. See attached letter from Milford Fire Department
10 B. Noise [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable per CPD-13-03. The site will be substantially restored to condition prior to the disaster.
10 C. Airport Clear Zones [58.5 (i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is located outside the Sikorsky Airport clear zone and the airport is not typically used as a military airfield.
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This site is not located on an EPA Superfund National Priorities or CERCLA list or CT equivalent; there are no known non-residential underground fuel oil tanks; it is not known or suspected to be contaminated with toxic chemical or radioactive materials; the site is not located within 3000 feet of a toxic waste or solid waste landfill.
11. Environmental Justice [58.5(j)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not located within a predominately minority or low income neighborhood
<b>Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns</b>							
12 A. Flood Insurance [58.6(a) & (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Policy attached per federal regulations and program guidelines. Homeowner required to obtain and maintain flood insurance for a five year period as a prerequisite for assistance.
12 B. Coastal Barriers [58.6(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The only Coastal Barrier Zone in Milford is located at Nells Island and Duck Island in the southwest section of the town per FIRM Panels 09009C0528J and 09009C0536J both with effective date 7/8/2013. Also see attached map of the John Chaffe Coastal Barrier Resource System. Property is not located in the CBRS.
12 C. Airport Clear Zone Notification [58.6(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The property is not for sale and Airport Clear Zone for Sikorsky Airport & Tweed New Haven do not cross municipal boundaries
13 A. Solid Waste Disposal [42 U.S.C. S3251 et seq.] and [42 U.S.C. 6901-6987 eq seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid waste impact is expected to be minimal as the scope of the project is limited to pre-storm building footprint.
13 B. Fish and Wildlife [U.S.C. 661-666c]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project will not impact any water bodies

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13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified lead-based paints in various areas and provides recommendations for removal. See attached report.
13 D. Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified asbestos and provides recommendations for removal. See attached report.
13 E. Radon [50.3 (i) 1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is not anticipated that radon will be found given the nature of the geology of the area, however, radon testing will be performed upon completion of enclosed ground level space (if applicable). Appropriate mitigation measures will be recommended as necessary.
13 F. Mold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified the presence of mold and provides recommendations for remediation. See attached report.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project is compliant with the DEEP Flood Management Certification
14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363f]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is located above the Coastal Jurisdiction Line (CJL). See Existing Conditions Plan with Elevations attached
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tidal wetlands have not been identified for this site.
14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is not located within regulated wetlands, see aforementioned attached USFWS Wetlands Inventory map
14 E. Various municipal zoning approvals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building Permit and zoning permit attached

**DETERMINATION:**

- This project converts to Exempt, per §58.349a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license. Funds may be drawn down for this (now) EXEMPT project; QR
- This project cannot convert to Exempt because one or more statutes/authorities requires consultation or litigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 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). Prepare the EA according to 24 CFR Part 58 Subpart E.

Prepared by:

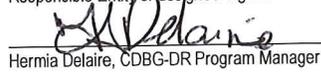


12/15/2014

Name: Edward G. Shelomis, P.E., Vice President

Date

Responsible Entity or designee Signature:



Hermia Delaire, CDBG-DR Program Manager

12/18/2014

Date