

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. CDBG-DR Project 1962 – 36 Westland Avenue

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.
Document Laws and authorities listed at 24 CFR Sec. 58.5							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attachment 1 for determination statement from CT State Historic Preservation Office. Project activities will have an adverse effects on the state of Connecticut’s historic resources. Historic context statement completed for standard treatment measure as part Programmatic agreement (PA) for 36 Westland Avenue, Milford, CT.
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09009C0533J, revised July 8, 2013 identifies the property at 36 Westland Avenue, Milford, CT is located inside Zone AE with a base flood elevation of 11 feet defined for the 1% Annual Chance Flood. Refer to Attachment 2 included as documentation.
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	United States Fish and Wildlife Services (USFWS), National Wetlands Inventory (NWI) mapping identifies the project site outside a wetland zone. See attachment 3 for map documentation. Mapping is Geographic Information System (G.I.S.) map created using data accessed from USFWS NWI website at http://www.fws.gov/wetlands/Data/State-Downloads.html
4. Coastal Zone Management [58.5(c)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project site at 36 Westland Avenue, Milford, CT is located inside a Coastal Boundary Zone. See attachment 4 for map documentation. Mapping is Geographic Information System (G.I.S.) map created using data accessed from CT Environmental Conditions Online (CT ECO) of the Coastal Boundary Zone from http://www.cteco.uconn.edu/

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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"/>	On site water and sewer facilities are not included in rehabilitation work for 36 Westland Avenue, Milford, CT. Connecticut DEEP Bureau of Water Protection and Land Reuse map titled 'Connecticut Aquifer Protection Areas' dated December 16, 2013 does not identify aquifer protection areas in the City of Milford Connecticut near the project site. See attachment 5 for documentation.
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is located outside mapped Natural Diversity Data Base (NDDB) areas from CT DEEP. See attachment 6A for Geographic Information System (G.I.S.) map of NDDB areas created using data accessed from Connecticut Environmental Conditions Online (CT ECO) at http://www.cteco.uconn.edu/ . U.S. Fish & Wildlife Service Information, Planning, and Conservation (IPaC) List, included as attachment 6B. Residential rehabilitation at project site will not effect the two (2) threatened Endangered Species and 23 Migratory Birds on the IPaC list. No Critical Habitats, or Wildlife Refugees are identified in the project site.
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"/>	Project site is not proximate to the Eight Mile River or the Farmington River West Branch listed in the National Wild and Scenic Rivers System.
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"/>	No quantifiable increase in air pollution is measurable for proposed rehabilitation activities.
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"/>	All activity will occur inside existing structure foot print and no change in land use is proposed.
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"/>	Per 24 CFR 51 Subpart C and HUD Guidebook 6600.G rehabilitation work that does not alter the number dwelling units or a change of land use is not subject to Acceptable Separation Distance (ASD) requirements for HUD assisted projects near hazardous operations handling petroleum products or chemicals of an explosive or flammable nature.
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"/>	Noise Abatement and Control requirements per 24 CFR 51.101(a)(3) are not applicable to HUD assisted projects which restore facilities substantially as they existed prior to a 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"/>	The residential structure at 36 Westland Avenue, Milford, CT is located outside the Runway Clear Zone of Tweed/New Haven Commercial Airport.
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"/>	The project site at 36 Westland Avenue, Milford, CT is, <ul style="list-style-type: none"> 1. Not listed on EPA's NPL Lists (Proposed and Final) or the State of Connecticut's Superfund Priority List; 2. Not listed in Comprehensive Environmental Response and Compensation Liability Information System (CERCLIS) database search as a

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							<p>Comprehensive Environmental Response and Compensation Liability Act (CERCLA) site;</p> <p>3. Not located within 3,000 feet of a landfill site as listed on CT DEEP's active landfill list;</p> <p>4. Not listed on CT DEEP's Underground Storage Tank list</p> <p>5. Not listed on CT DEEP's list of potentially contaminated sites and is not known or suspected to be contaminated by toxic chemicals or radioactive materials</p>
11. Environmental Justice [58.5(j)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The rehabilitation work at the project site, 36 Westland Avenue, Milford, CT, is compatible with the surrounding residential use and no adverse human health and environmental effects on minority or low income populations are expected. The City of Milford, Connecticut is not listed by the Connecticut Department of Economic and Community Development (CT DECD) as a distressed municipality as defined in C.G.S. Section 22a-20. See attachment 7 for the 2014 listing of distressed municipalities in CT from the CT DECD in which City of Milford, CT is not listed.</p>
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
12 A. Flood Insurance [58.6(a) & (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09009C0533J, revised July 8, 2013 identifies the property at 36 Westland Avenue, Milford, CT is located inside Zone AE with a base flood elevation of 11 feet defined for the 1% Annual Chance Flood. Map is included as documentation. Property owner will be required to maintain flood insurance for a period of 5 years after acceptance of CDBG-DR OORR project funding.</p>
12 B. Coastal Barriers [58.6(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Project at 36 Westland Avenue, Milford, CT is not located within a Coastal Barrier Resource System unit. See attachment 8 for documentation. Mapping is Geographic Information System (G.I.S.) map created using data digitized from official John H. Chafee Coastal Barrier Resource System maps enacted by law and endorsed by the U.S. Fish and Wildlife Service. Digital data was accessed from CT Environmental Conditions Online (CT ECO) at http://www.cteco.uconn.edu/</p>
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"/>	<p>Project does not involve the purchase or sale of a property as such 24 CFR 58.6(d) is not applicable.</p>
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"/>	<p>Rehabilitation activities to the residential structure at the project site, 36 Westland Avenue, Milford, CT, are not expected to affect the capacities of solid waste disposal services.</p>

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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"/>	Provide compliance documentation. Additional material may be attached.
13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project activities will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water. Project is not a water control project.
13 D. Asbestos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Residential Structure at 36 Westland Avenue, Milford, CT was built prior to 1978. The results of a Lead Paint Survey are included in attachment 9, 'Hazardous Materials Inspection Report, 36 Westland Avenue, Milford, CT', dated 13 October 2014, prepared by Facility Support Services, LLC. Lead based paint hazards were not identified in the survey.
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"/>	No Asbestos Containing Materials (ACM's) were identified in sampled materials to be disturbed by project work. Results of sampled materials testing are included in attachment 9, 'Hazardous Materials Inspection Report, 36 Westland Avenue, Milford, CT', dated 13 October 2014, prepared by Facility Support Services, LLC.
13 F. Mold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Due to the proposed elevating of the residence, above the ground level, no radon testing was conducted.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific regulation regarding the levels requiring mold mitigation or abatement are enacted by law in the State of Connecticut. Accelerated mold growth is not indicated by testing results at the project site. The procedures and results of the microbial testing for mold spores conducted at the project site are included in attachment 9, 'Hazardous Materials Inspection Report, 36 Westland Avenue, Milford, CT', dated 13 October 2014, prepared by Facility Support Services, LLC.
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"/>	National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09009C0533J, revised July 8, 2013 identifies the property at 36 Westland Avenue, Milford, CT, is located inside Zone AE with a base flood elevation of 11 feet defined for the 1% Annual Chance Flood. See attachment 2 for documentation. See attachment 10 for Professional Certification on Flood Management Certification for the General Permit for the CDBG-DR OORR/SSRR Program.
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rehabilitation work at project site does not propose any adverse impacts to coastal resources nor propose any activity waterward of the coastal jurisdiction line.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Connecticut Department of Energy and Environmental Protection Tidal Wetlands Mapping as defined in C.G.S. Section 22a-29 and Section 22a-93(7)(e) identifies the project as outside a Tidal Wetland Zone. See attachment 11 for documentation. Mapping is Geographic Information System (G.I.S.) map created using data accessed from CT Environmental Conditions Online (CT ECO) of Tidal Wetlands Mapping accessed from http://www.cteco.uconn.edu/

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14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project rehabilitation work is not expected to impact wetlands/watercourses.
14 E. Various municipal zoning approvals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rehabilitation activities at the project site will need review by City of Milford Building Department for issuance of required building permit. Coastal site plan review not required. Project site does not abut coastal waters and project activities do not propose any activity that will substantially alter the natural character of coastal resources as defined in C.G.S. 22a-93(7). See attachment for 12 for 100 foot buffer mapping.

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; **OR**
- 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: 

Richard Couch, P.E., Member
Martinez Couch & Associates, LLC.

11/17/2015
Date

Responsible Entity or designee Signature:


Hermia Delaire, CDBG-DR Program Manager

11/18/2015
Date