

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. 89 Cooper Street, 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.
Document Laws and authorities listed at 24 CFR Sec. 58.5							
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"/>	Activities will not affect any historical property – See attached SHPO letter
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 type="checkbox"/>	<input type="checkbox"/>	The property is located in Flood Zone. All work to comply with the Flood Management Certificate and the General Permit required by the DEEP. See property location noted on the FEMA FIRMette Panel 0900C0529J, map revised July 8, 2013 (attached)
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is located near an identified wetlands. See USFWS Wetland Inventory map. Local ILWL review approved for the removal of existing structures and construction of 3-story residence, see attached documentation
4. Coastal Zone Management [58.5(c)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coastal Site Plan Review approved.
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, 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

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.
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 asbestos material discovered at the site. Any air quality impacts should be short term and localized.
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-13-05. The site will be substantially restored to pre-disaster conditions
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 property is not for sale and and is not located near the two regional airports, Tweed New Haven and Igor Sikorski
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is NOT located on EPA Superfund National Priority or CERCLA lists or CT equivalent; there are no known non-residential underground fuel oil tanks; it is not known or suspected to be contaminated with toxic chemicals or radioactive materials,; the site is located within 3000 feet of a capped landfill that existed prior to the disaster. The site will be substantially restored to pre-disaster conditions which will include public water service.
11. Environmental Justice [58.5(i)]	<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
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
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 Miford 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. Parcel is not located on FIRM panels above.
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 is not located within an Airport Clear Zone

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.
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
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A survey of the site performed by JD Environmental LLC and determined that the level of lead-based paint below regulatory levels. See attached report.
13 D. Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A survey of the site performed by JD Environmental LLC and did not identified any ACM. See attached report.
13 E. Radon [50.3 (f) 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 present due to the nature of the geology of the area however, radon testing will be preformed upon completion of an enclosed ground level space (if applicable). Appropriate mitigation measure 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"/>	Mold testing was not preformed as the building will be demolished and the waste can be disposed of as construction debris
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The property is located in Flood Zone. All work to comply with the Flood Management Certificate and the General Permit required by the DEEP. See property location noted on the FEMA FIRMette Panel 0900C0529J, map revised July 8, 2013 (attached) - See attached Appendix B
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"/>	Not Required - Property is not located on the seaward side of the Coast Jurisdiction Line (CJL)
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"/>	Activities do not require authorizations for DEEP OLISP Permitting sections
14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wetlands flagged by JMM Wetland Services
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"/>	Site Plan approval granted by the Milford Planning and Zoning Commission and ILWL – See attached letters dated July 21, 2014 and July 15, 2015 respectively.

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/RRDF 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.

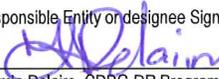
Prepared by:



Name:

7/25/2014
Date

Responsible Entity or designee Signature:



Hermita Delaire, CDBG-DR Program Manager

Date

7/28/2014