

**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.** Owner-Occupied Rehabilitation and Rebuilding Program  
(010-1417) 7 Orland St. Milford, CT 06460

| 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 | Documentation and Comments   |
|---|--------------------------------|------------------------|------------------|-------------------|---|---|--|
| <b>Document Laws and authorities listed at 24 CFR Sec. 58.5</b> |                                |                        |                  |                   |   |   |  |
| 1. Historic Properties<br>[58.5(a)] [Section 106 of NHPA]       |                                |                        |                  |                   | <b>X</b>  |   | The State Historic Preservation Office reviewed the project and stated that the proposed project will have an effect upon the state’s cultural resources in a letter dated 8/18/2014 (see attachment 1). This project will have to follow the Programmatic Agreement between DOH/DECD/SHPO.1   |
| 2. Floodplain Management<br>[58.5(b)] [Ex Or 11988] [24 CFR 55] |                                |                        |                  | <b>X</b>          |   |   | Property inside of flood zone AE (associated with 100 yr flood). See attachment 2, Flood Insurance Rate Map (FIRM) Number 09009C0534J from FEMA at <a href="https://msc.fema.gov">https://msc.fema.gov</a> .   |
| 3. Wetland Protection<br>[58.5 (b)]                             | <b>X</b>                       |                        |                  |                   |   |   | Property is not in wetland area according to City of Milford GIS data and the United States Fish and Wildlife Services (USFWS) at <a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a> . See attachments 3 and 4.   |
| 4. Coastal Zone Management<br>[58.5(c)]                         |                                | <b>X</b>               |                  |                   |   |   | Property within coastal zone. See attachment 5 created from GIS data of the Coastal Boundar Zone from CT Environmental Conditions Online (CT ETO) at <a href="http://cteco.uconn.edu/map_catalog.asp">http://cteco.uconn.edu/map_catalog.asp</a> . The project will not require a Coastal Site Plan Review according to the City of Milford, Connecticut Zoning Requirements Section 5.12. |
| 5. Water Quality – Aquifers<br>[58.5(d)] [40 CFR 149]           | <b>X</b>                       |                        |                  |                   |   |   | There are no aquifer protection areas in Milford according to CT DEEP at <a href="http://www.ct.gov/dEep/cwp/view.asp?a=2685&amp;q=322248&amp;deepNav_GID=1654">http://www.ct.gov/dEep/cwp/view.asp?a=2685&amp;q=322248&amp;deepNav_GID=1654</a> . This project does not involve on-site water and/or sewer facilities.  |
| 6. Endangered Species<br>[58.5(e)] [16 U.S.C. 1531 et seq.]     |                                |                        |                  |                   | <b>X</b>  |   | Inside NDDDB area but not a waterfront property with a sandy beach. See attachment 6. According to the FWS Natural Resources of Concern report, there are no critical habitats and there are no wildlife refuges within the vicinity of the property. The roseate tern is an endangered species within the vicinity of the property. See attachment 7. The FWS New England Field           |

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|   |                                |                        |                  |                   |  |   | Office stated in a letter dated 9/23/2014 that the project would not affect the roseate tern. See attachment 19.  |
| 7. Wild and Scenic Rivers<br>[58.5 (f)] [16 U.S.C. 1271 et seq.]                                    | X                              |                        |                  |                   |  |   | Property location is greater than one mile from a wild and scenic river (Eightmile River).  |
| 8. Air Quality<br>[58.5(g)] [42 U.S.C. 7401 et seq.]  | X                              |                        |                  |                   |  |   | The project is a residential rehabilitation with no anticipated quantifiable increase in air pollution  |
| 9. Farmland Protection<br>[58.5(h)]   | X                              |                        |                  |                   |  |   | This project is in an urban residential area, there is no landuse conversion, and work will be confined to the existing building footprint.   |
| Manmade Hazards<br>10 A. Thermal Explosive<br>[58.5(i)]   | X                              |                        |                  |                   |  |   | Project will not add density.   |
| 10 B. Noise<br>[58.5(i)]  | X                              |                        |                  |                   |  |   | Project is restoration of structure substantially as it existed prior to Superstorm Sandy.  |
| 10 C. Airport Clear Zones<br>[58.5 (i)]   | X                              |                        |                  |                   |  |   | Property not located in airport clear zone. See attachment 8.   |
| 10 D. Toxic Sites<br>[58.5 (i)(2)(i)]   | X                              |                        |                  |                   |  |   | Project is not listed on the EPA Superfund National Priorities or CERCLA lists or equivalent State list.<br>Landfill is located greater than 3,000 feet away.<br>The property does not have an underground storage tank (which is not residential fuel tank).<br>The property is not known or suspected to be contaminated by toxic chemicals or radioactive materials. |
| 11. Environmental Justice<br>[58.5(j)]  | X                              |                        |                  |                   |  |   | The property is not located in a minority or low-income population neighborhood.  |
| <b>Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns</b> |                                |                        |                  |                   |  |   |   |
| 12 A. Flood Insurance<br>[58.6(a) & (b)]  |                                |                        | X                |                   |  |   | Flood insurance will be required and maintained for a minimum of five years.  |
| 12 B. Coastal Barriers<br>[58.6(c)]   | X                              |                        |                  |                   |  |   | Property is not located in Coastal Barrier Resources System. See attachment 9 that was found on CT ECO at <a href="http://cteco.uconn.edu/map_catalog.asp">http://cteco.uconn.edu/map_catalog.asp</a> .   |
| 12 C. Airport Clear Zone Notification<br>[58.6(d)]  | X                              |                        |                  |                   |  |   | Project does not involve the purchase or sale of a property as such 24 CFR 58.6(d) is not applicable.   |
| 13 A. Solid Waste Disposal<br>[42 U.S.C. S3251 et seq.] and<br>[42 U.S.C. 6901-6987 eq seq.]        | X                              |                        |                  |                   |  |   | The Milford Solid Waste Division is responsible for the collection of garbage, recyclables, and bulky waste from residences. Construction debris must be brought to City Carting at 221 Old Great Lane, Milford, CT or other approved location. The project includes renovations to the existing  |

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|   |                                |                        |                  |                   |   |   | structure and raising the house. As this is a small single family house, sufficient capacity should be available at City Carting or other approved location to accept the demolition wastes.  |
| 13 B. Fish and Wildlife [U.S.C. 661-666c]                                 | X                              |                        |                  |                   |   |   | The project will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water. The project is not a water control project.   |
| 13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]     |                                |                        |                  |                   |   | X   | Lead was found during field testing on 4/30/2014. See report, attachment 10. Remediation is required.   |
| 13 D. Asbestos  |                                |                        |                  |                   |   | X   | Asbestos was found during field testing on 4/30/2014. See report, attachment 11. Remediation is required.   |
| 13 E. Radon [50.3 (f) 1]  | X                              |                        |                  |                   |   |   | Radon testing is not required as this house is to be elevated and will be provided with an unenclosed space below.  |
| 13 F. Mold  | X                              |                        |                  |                   |   |   | Mold was not found during field testing on 4/30/2014. See attachment 12.  |
| Other: State or Local<br>14 A. Flood Management Certification [CGS 25-68] |                                |                        |                  | X                 |   |   | Property is located inside the Flood Zone AE, which is associated with the 100 yr flood zone. See attachment 1, Flood Insurance Rate Map (FIRM) Number 09009C0529J from FEMA at <a href="https://msc.fema.gov">https://msc.fema.gov</a> . Requires General Permit for CDBG-DR program activities with DEEP. See Appendix B Professional Certification Form (attachment 13).   |
| 14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363f]           | X                              |                        |                  |                   |   |   | Property is not waterward of Coastal Jurisdiction Line.   |
| 14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]                           | X                              |                        |                  |                   |   |   | Property is not located in tidal wetlands. See attachments 3 and 4.   |
| 14 D. Local inland wetlands/watercourses [CGS 22a-42]                     | X                              |                        |                  |                   |   |   | Property is not located in inland wetlands. See attachments 3 and 4.  |
| 14 E. Various municipal zoning approvals                                  |                                |                        |                  |                   | X   |   | House does not conform to local zoning regulations. The property is in zone R-5, which requires a minimum plot size of 5,000 sq. ft., and the property is 3,485 sq. ft. Existing nonconformances were approved by the zoning commission. See assessor field card (attachment 14), aerial photograph (attachment 15), town topo (attachment 16), tax assessor map (attachment 17) and zoning map (attachment 18) for background information. |

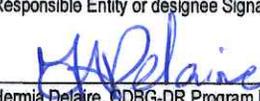
**DETERMINATION:**

- 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:

  
Name: J. Andrew Bevilacqua      Date: 09.29.14

Responsible Entity or designee Signature:

  
Hermia Delaire, CDBG-DR Program Manager      Date: 9/30/14