

## 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  
(001-1690) 116 Seaside Ave. Guilford, CT 06437

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 [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 no effect upon the state's cultural resources in a letter dated 6/6/2014 (see attachment 1).
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]				<b>X</b>			Property inside of flood zone AE (associated with the 100 yr flood). See attachment 2, Flood Insurance Rate Map (FIRM) Number 09009C0493J from FEMA at <a href="https://msc.fema.gov">https://msc.fema.gov</a> .
3. Wetland Protection [58.5 (b)]	<b>X</b>						Property not located in wetland area according to town GIS Map (see attachment 3). The edge of the property is in a Freshwater Emergent Wetland according to the FWS Map (see attachment 4). After reviewing the site and Custom Soil Resource Report (attachment 5), it was determined the property is not in an inland wetland because the wetlands to the north are tidal wetlands and the soil on the property is fill.
4. Coastal Zone Management [58.5(c)]	<b>X</b>						Property within coastal zone (see attachment 6). The Guilford Environmental Planner reviewed the project and stated that elevating the house is in compliance with the State of Connecticut Coastal Management Act (see attachment 7)
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149]	<b>X</b>						Property is not in aquifer protection area (see attachment 8). This project does not involve on-site water and/or sewer facilities.
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]	<b>X</b>						Inside NDDB area but not a waterfront property with a sandy beach (see attachment 9). According to the FWS Natural Resources of Concern report, there are no listed species, there are no critical habitats, and there are no wildlife refuges within the vicinity of the property (see attachment 10).
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<b>X</b>						Property is located greater than one mile from a wild and scenic river (Eightmile River).

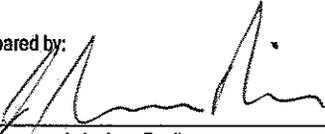
Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Documentation and Comments
9. Farmland Protection [58.5(h)]	X						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 10 A. Thermal Explosive [58.5(i)]	X						Project will not add density.
10 B. Noise [58.5(j)]	X						Project is restoration of structure substantially as it existed prior to Superstorm Sandy.
10 C. Airport Clear Zones [58.5 (l)]	X						Property not located in airport clear zone (see attachment 10).
10 D. Toxic Sites [58.5 (l)(2)(i)]	X						Project is not listed on the EPA Superfund National Priorities or CERCLA lists or equivalent State list. Landfill is located greater than 3,000 feet away. The property does not have an underground storage tank (which is not residential fuel tank). The property is not known or suspected to be contaminated by toxic chemicals or radioactive materials.
11. Environmental Justice [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 [58.6(a) & (b)]				X			Flood insurance will be required and maintained for a minimum of five years.
12 B. Coastal Barriers [58.6(c)]	X						Property is not located in Coastal Barrier Resources System (see attachment 11).
12 C. Airport Clear Zone Notification [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 [42 U.S.C. S3251 et seq.] and [42 U.S.C. 6901-6987 et seq.]	X						Construction debris must be brought to the Waste Transfer Station at 1900 Boston Post Road Guilford, CT or other approved location. The project includes demolition of the damaged structure. As this is a small single family house, sufficient capacity should be available at Waste Transfer Station 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 May 15, 2014. See report, attachment 12. Remediation is required.

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
13 D. Asbestos						<b>X</b>	Asbestos was found during field testing on May 15, 2014. See report, attachment 13. Remediation is required.
13 E. Radon [50.3 (f) 1]	<b>X</b>						Radon testing is not required as this house is to be elevated and will be provided with an unenclosed space below.
13 F. Mold						<b>X</b>	Mold was found during field testing on May 15, 2014. See report, attachment 14. Remediation is required.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]				<b>X</b>			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 09009C0493J 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 15).
14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363]	<b>X</b>						Property not waterward of Coastal Jurisdiction Line.
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]	<b>X</b>						Property not located in tidal wetlands. See attachment 3 and 4.
14 D. Local inland wetlands/watercourses [CGS 22a-42]		<b>X</b>					Edge of property is located in inland wetlands according to FWS Wetland Map. See attachment 4.
14 E. Various municipal zoning approvals				<b>X</b>			House does not conform to local zoning regulations. Variances may be required prior to starting work. See property information on assessor field card, attachment 16. Variances were approved by the town of Guilford. See letter from Zoning Board of Appeals, attachment 17.

**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

08.20.14  
Date

Responsible Entity or designee Signature:

  
Hermia Defaire, CDBG-DR Program Manager

8/22/14  
Date