

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. 34 Elaine Road, 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 105 of NHPA]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SHPO has determined the renovation & elevation will have an adverse effect and that the adverse effect will be cured by a Programmatic Agreement. Construction work cannot begin until the agreement is in place.
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"/>	Flood Zone AE - Flood Management Permit required from the CTDEEP (application attached) FEMA FIRMette Panel 09009C0529J, map revised July 8, 2013 attached. Appendix B 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 not located in any identified wetlands, see attached USFWS Wetlands Inventory map.
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"/>	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 etseq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is not located on waterfront or on a sandy beach CT NDDB not required. Endangered species list generated from USFWS (attached) indicated there are no endangered species present
7. Wild and Scenic Rivers [58.5(f)] [16 U.S.C. 1271 etseq.]	<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"/>	Although asbestos has been found at the site, an EA nor an EIS is required. 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(j))	<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 (k))	<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
✓ 10 D. Toxic Sites (58.5 (l)(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(l))	<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 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"/>	The property is not for sale and is not located within an Airport Clear Zone				
---	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--

Area of Statutory or Regulatory Compliance	Net-Applicable to This Project	Consultation Required	Review Required	Permits Required	Determination of consistency Approvals, Permits Obstacles	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
13 A. Solid Waste Disposal (42 U.S.C. 58251 et seq.) and (42 U.S.C. 6901-6987 et 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 Loureiro Engineering Associates identified lead-based paints in various areas and provides recommendations for Removal - See attached report.
13 D. Asbestos	<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, Inc. did not identified any ACM. See attached report.
13 E. Radon (50.3 (j) 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Radon level below EPA threshold. Additional 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"/>	The original interior building materials such as sheetrock had been removed at the time of inspection. No mold was observed.
Other: State or Local 14 A. Flood Management Certification (CGS 25-63)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project is compliant with the DEEP Flood Management Certification (Appendix B attached)
14 B. Structures, Dredging & Fill Act (CGS 22a-359 to 22a-388)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is not located on the seaward side of the Coast Jurisdiction Line (CJL)- See attached site plan.
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"/>	No tidal wetlands identified, see aforementioned USFWS Wetland Inventory map (item 3)
14 D. Local inland wetlands/watercourses (CGS 22a-42)	<input checked="" type="checkbox"/>	<input checked="" 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"/>	Zoning Permit attached
--	--------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	------------------------

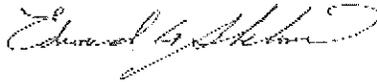
DETERMINATION:

This project converts to Exempt per 458.349a(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 (non) EXEMPT project, OR

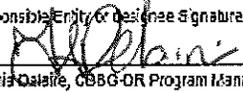
This project cannot convert to Exempt because one or more statutes/authorities require consultation or litigation. Complete consultation/mitigation requirements, publish NOI/ROF and obtain Authority to Use Grant Funds (HUD 7015.16) per 458.70 and 58.71 before drawing down funds; OR

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: _____ Date: 1/28/2015

Responsible Entity or Designee Signature:  Date: 1/29/2015

Hermina Olatun, CDBG-DR Program Manager