

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 5010 – 15 Chetwood Street

| 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.                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-----------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Document Laws and authorities listed at 24 CFR Sec. 58.5</b> |                                     |                          |                                     |                                     |                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 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"/>                      | See attachment 1 for determination statement from CT State Historic Preservation Office. Project activities will have no adverse effects on the state of Connecticut's historic resources.                                                                                                                                                                                                                                    |
| 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 09001C0529J, Revised July 8, 2013 identifies the property at 15 Chetwood Street 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 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 <a href="http://www.fws.gov/wetlands/Data/State-Downloads.html">http://www.fws.gov/wetlands/Data/State-Downloads.html</a> |
| 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 15 Chetwood Street 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 <a href="http://www.cteco.uconn.edu/">http://www.cteco.uconn.edu/</a>                                                  |
| 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 15 Chetwood Street 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                                                                                                                             |

| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                              |                                     |                          |                                     |                          |                                                           |                                               | 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 inside a mapped Natural Diversity Data Base (NDDB) areas from CT DEEP but does not abut coastal waters or a sandy beach. 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 <a href="http://www.cteco.uconn.edu/">http://www.cteco.uconn.edu/</a> . U.S. Fish & Wildlife Service Information, Planning, and Conservation (IPaC) List, included as attachment 6B, does not identify any Critical Habitats, or Wildlife Refugees in the project site. Two threatened species including Red Knot Bird and the Nothern Long-eared Bat are reported to be considered by the IPaC listing. No critical habitats are defined for the referenced threatened species, see attachment 6B, and no adverse effects on the species are expected. |
| 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<br>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(j)]                                        | <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 (k)]                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>                      | The residential structure at 15 Chetwood Street Milford, CT is located outside the Runway Clear Zone of Tweed/New Haven Commercial Airport.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10 D. Toxic Sites [58.5 (l)(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 15 Chetwood Street Milford, CT is, <ul style="list-style-type: none"> <li>1. Not listed on EPA's NPL Lists (Proposed and Final) or the State of Connecticut's Superfund Priority List;</li> <li>2. Not listed in Comprehensive Environmental Response and Compensation Liability Information System (CERCLIS) database search as a</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-----------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                     |                                     |                          |                                     |                                     |                                                           |                                               | <p>Comprehensive Environmental Response and Compensation Liability Act (CERCLA) site;</p> <ol style="list-style-type: none"> <li>3. Not located within 3,000 feet of a landfill site as listed on CT DEEP's active landfill list;</li> <li>4. Not listed on CT DEEP's Underground Storage Tank list</li> <li>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</li> </ol>                                                                                         |
| 11. Environmental Justice [58.5(j)]                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input type="checkbox"/>                      | The rehabilitation work at the project site, 15 Chetwood Street Milford, Connecticut, 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, CT 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. |
| <b>Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns</b> |                                     |                          |                                     |                                     |                                                           |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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"/>           | National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09001C0529J, Revised July 8, 2013 identifies the property at 15 Chetwood Street 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 as a condition of receiving CDBG-DR SSRR Program Assistance.                                                                                                        |
| 12 B. Coastal Barriers [58.6(c)]                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>                      | Project at 15 Chetwood Street 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 <a href="http://www.cteco.uconn.edu/">http://www.cteco.uconn.edu/</a>                                                        |
| 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"/>                      | 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 eq seq.]              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input type="checkbox"/>                      | Rehabilitation activities to the residential structure at the project site, 15 Chetwood Street Milford, CT, are not expected to affect the capacities of solid waste disposal services.                                                                                                                                                                                                                                                                                                                                                                                        |

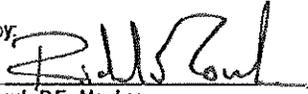
| Area of Statutory or Regulatory Compliance                            | Not Applicable to This Project      | Consultation Required*              | Review Required*                    | Permits Required*        | Determination of consistency Approvals, Permits Obtained* | Conditions and/or Mitigation Actions Required | Provide compliance documentation. Additional material may be attached.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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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"/>                      | 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 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E] | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>           | Residential Structure at 15 Chetwood Street Milford, CT was built prior to 1978. The results of a Lead Paint Survey are included in attachment 9, 'Hazardous Materials Inspection Report, 15 Chetwood Street Milford, CT', dated April 28, 2015, prepared by Facility Support Services, LLC. Lead based paint hazards identified in the survey will be abated or addressed with interim controls where appropriate abatement per attachment 11, 'Lead Hazard Remediation Project, 15 Chetwood Street Milford, CT' prepared by Gilbertco Lead Inspections LLC.                                                                                                                                                                                                                                                                                                              |
| 13 D. Asbestos                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>           | One asbestos containing material was identified in sampled site materials to be disturbed for project work. Results of testing are included in attachment 10, 'Supplemental Hazardous Material Inspection Report, 15 Chetwood Street, Milford, Connecticut, dated August 10, 2015, prepared by Facility Support Services, LLC. Asbestos containing materials will be abated per, attachment 12, 'Asbestos Containing Materials Removal Work Plan, Roofing Materials, 15 Chetwood Street Milford, CT', dated July, 29, 2015, prepared by Chris Hudacek, CT DPH Project Designer License #0000239. Attachment 12 will be part of construction documents.                                                                                                                                                                                                                     |
| 13 E. Radon [50.3 (f) 1]                                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>           | Building rehabilitation activities by others at project site are partially complete. Unfinished basement level is not enclosed to permit accurate radon testing. During CDBG-DR project work basement will be enclosed and radon testing performed. Pending results of testing a radon mitigation system will be part of project work. Included as attachment 13 is a 'Radon Controls Work Plan' which will be part of construction documents for the CDBG-DR project.                                                                                                                                                                                                                                                                                                                                                                                                     |
| 13 F. Mold                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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. Building rehabilitation activities by others at project site are partially complete and building envelope is not air sealed. A visual inspection for mold was completed and did not reveal accelerated mold growth, see attachment 9, 'Hazardous Material Inspection Report 15 Chetwood Street Milford, CT', April 28, 2015, prepared by Facility Support Services, LLC. First floor of structure is known to have been exposed to saltwater during inundation by flood waters. Mold Abatement following guidelines mandated in Public Act No. 06-195, as described in document entitled 'Connecticut Guidelines for Mold Abatement Contractors' published by the Connecticut Department of Public Health, Environmental & Occupational |

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|                                                                           |                                     |                                     |                                     |                                     |                                                           |                                               | Health Assessment Program will be required. See attachment 14 for 'Precautionary Microbial (Mold) Treatment Work Plan' which will be part of construction documents.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Other: State or Local<br>14 A. Flood Management Certification [CGS 25-68] | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>                      | National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09001C0529J, Revised July 8, 2013 identifies the property at 15 Chetwood Street 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 mapping documentation. Property was not substantially damaged; see attachment 15 for a revised Substantial Damage Estimate dated January 9, 2015 from the City of Milford, CT. Per CT Department of Housing CDBG-DR Program guidelines elevation to a 500 year base flood elevation is not required. |
| 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"/>                      | Rehabilitation work at project site does not propose any adverse impacts to coastal resources nor propose any activity waterward of the coastal jurisdiction line.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]                           | <input 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 16 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 <a href="http://www.cteco.uconn.edu/">http://www.cteco.uconn.edu/</a>                                                                                                                 |
| 14 D. Local inland wetlands/watercourses [CGS 22a-42]                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**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 NO/RRROF 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.

8/13/2015

Date

Responsible Entity or designee Signature:

  
Hermia Delaire, CDBG-DR Program Manager

8/31/15  
Date



1084 Cromwell Avenue Suite, A-2  
Rocky Hill, CT 06067  
Tel: 860-436-4364  
Fax: 860-436-4626  
[www.martinezcouch.com](http://www.martinezcouch.com)

Attachment 1 – Checklist Item # 1 Documentation – CT SHPO Determination Statement