**STATUTORY WORKSHEET**

**24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS**

**Suggested Format for Categorically Excluded Projects subject to §58.5. NOTE: Compliance with the laws and statutes listed at 24 CFR §58.6 must also be documented.**

**Project Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Project Contract Number**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Project Description:** Include all contemplated actions that logically are either geographically or functionally part of the project: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This proposal is determined to be: \_**Categorically Excluded Subject to 58.5**

According to: [Cite Section(s)]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DIRECTIONS: Write “**A**” in the Status Column when the proposal, by its scope and nature, does not affect the resources under consideration; or write “**B**” if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

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| **Compliance Factors:** |  |  |
| **STATUTES, EXECUTVE ORDERS AND REGULATIONS LISTED AT 24 CFR 58.5** | **A/B** | **COMPLIANCE DETERMINATION AND DOCUMENTATION** |
| **HISTORIC PRESERVATION** 36 CFR Part 800 |  |  |
| **FLOODPLAIN MANAGEMENT**  24 CFR Part 55 & Executive Order 11988 |  |  |
| **WETLAND PROTECTION**  Executive Order 11990 |  |  |
| **COASTAL ZONE MANAGEMENT ACT** SECTIONS 307 (c) & (d) |  |  |
| **SOLE SOURCE AQUIFERS** 40 CFR Part 149 |  |  |
| **ENDANDERED SPECIES ACT** 50 CFR 402 |  |  |
| **WILD AND SCENIC RIVERS ACT**  Sections 7(b) & (c) |  |  |
| **CLEAN AIR ACT**  Sections 176(c)(d) & 40 CFR 6, 51, 93 |  |  |
| **FARMLAND PROTECTION POLICY ACT**  7 CFR Part 658 |  |  |
| **ENVIRONMENTAL JUSTICE**  Executive Order 12898 |  |  |
| **NOISE ABATEMENT & CONTROL**  24 CFR Part 51B |  |  |
| **EXPLOSIVE & FLAMMABLE OPERATIONS**  24 CFR Part 51C |  |  |
| **HAZARDOUS, TOXIC OR RADIOACTIVE MATERIALS & SUBSTANCES**  24 CFR 58.5(i)(2)(i) |  |  |
| **AIRPORT CLEAR ZONES & ACCIDENT POTENTIAL ZONES**  24 CFR Part 51D |  |  |

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**Determination:**

This project converts to Exempt, per Section 58.34(a)(12), because it does not require

any mitigation for compliance with any listed statutes or authorities, nor requires any

formal permit or license (Status “A” has been determined in the status column for all

authorities); **Funds may be committed and drawn down** for this (now) EXEMPT

project; **or**

This project cannot convert to Exempt status because one or more statutes or authorities

require formal consultation or mitigation. Complete consultation/mitigation protocol

requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16)

per Section 58.70 and 58.71 before committing or drawing down funds; **or**

The unusual circumstances of this project may/will result in a significant environmental

impact. This project requires preparation of an Environmental Assesssment (EA). Prepare

the EA according to 24 CFR Part 58 Subpart E.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PREPARER SIGNATURE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PREPARER NAME & TITLE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RESPONSIBLE ENTITY/AGENCY OFFICIAL SIGNATURE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME & TITLE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE

**DOCUMENTATION OF COMPLIANCE with**

**24 CFR Part 58.6 (a - d)**

Use this form for all levels of review

Grant Recipient: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Contract Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prepared By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Flood Insurance**:

**\_\_\_\_\_\_\_ The site is not in the 100 year floodplain (see attached map)**

**\_\_\_\_\_\_\_\_\_ The site is in the 100 year floodplain (see attached map)**

**\_\_\_\_\_\_\_\_\_ Flood Insurance is required for structures in the 100 year floodplain**

1. Flood Insurance when the site is in the 100 year floodplain:
2. Under the flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128), Federal financial assistance or acquisition and construction purposes (including rehabilitation) may not be used in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:
3. The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CDR Parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards, and
4. Where the community is participating in the National Flood Insurance Program, flood insurance protection is to be obtained as a condition of the approval of financial assistance to the property owner.
5. Where the community is participating in the National Flood Insurance Program and the recipient provided financial assistance for acquisition or construction purposes (including rehabilitation) for property located in an area identified by FEMA as having special flood hazards, the responsible entity is responsible for assuring that flood insurance under the National Flood Insurance Program is obtained and maintained.
6. Paragraph (a) of this section does not apply to Federal Formula grants made to a State.

B. Under section 582 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 5154a, HUD Disaster

assistance that is made available in a special flood hazard area may not be used to make a payment

(including any loan assistance payment) to a person for repair, replacement or restoration for flood

damage to any personal, residential or commercial property if:

1. The person had previously received Federal flood disaster insurance conditioned on obtaining and maintaining flood insurance; and
2. The person failed to obtain and maintain flood insurance

**Coastal Barrier Islands**:

**\_\_\_\_\_\_\_\_\_ The site is not in a Coastal Barrier Island (documentation attached)**

**\_\_\_\_\_\_\_\_\_ The site is in a Coastal Barrier Island but the activity is not prohibited as indicated**

**at:** <http://www.fws.gov/>

\_\_\_\_\_\_\_\_\_ **The site is in a Coastal Barrier Island and the activity is prohibited as indicated at**:

<http://www.fws.gov/>; **the project must be rejected.**

Pursuant to the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501), HUD assistance may not be used for most activities proposed in the Coastal Barrier Resources System.

**Clear Zones**:

**\_\_\_\_\_\_\_\_\_ The site is not in the Clear Zone (documentation attached)**

**\_\_\_\_\_\_\_\_\_ The site is in the Clear Zone (signed acknowledgement attached)**

In all cases involving HUD assistance, subsidy, or insurance for the sale of an existing property in a Runway Clear Zone or Clear Zone, as defined in 24 CFR Part 51, the responsible entity shall advise that the property is in a runway clear zone or clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information.

**CERTIFICATION OF CATEGORICAL EXCLUSION**

**(Subject to 58.5) Per 24 CFR 58.35 (a)**

Contract Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby certify that the following activities comprising the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ project have been reviewed and determined to be Categorical Excluded Activity per 24 CFR 58.35(a) as follows:

\_\_\_ (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and

improvements (other than buildings) when the facilities and improvements are in place and will be

retained in the same use without change in size or capacity of more than 20% (e.g. replacement of

water or sewer lines, reconstruction of curb and sidewalks, repaving of streets).

\_\_\_ (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility

of and accessibility to elderly and handicapped persons.

\_\_\_ (3) Rehabilitation of buildings and improvements when the following conditions are met:

1. In the case of a building for residential use (with one to four units) the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;
2. In the case of multifamily residential buildings:
3. Unit density is not changed more than 20%;
4. The project does not involve changes in land use from residential to non-residential; and
5. The estimated cost of rehabilitation is less than 75% of the estimated cost of replacement after rehabilitation
6. In the case of non-residential structures, including commercial, industrial, and public buildings:
7. The facilities and improvements are in place and will not be changed in size or capacity by more than 20%; and
8. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

\_\_\_ (4) An individual action on up to four dwelling units where there is a maximum of four units on any one

site or an individual action on a project of five or more housing units developed on scattered sites

when the sites are more than 2,000 feet apart and there are not more than four units on any one site.

\_\_\_ (5) Acquisition or disposition of, or equity loans on an existing structure, or acquisition of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

\_\_\_ (6) Combination of the above activities.

**Responsible Entity/Certifying Official Signature**:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_