

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 Applicant 1247 – 12 Jacob Street, Norwalk, CT

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 106 of NHPA]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09001C0529G, Revised July 8, 2013 indicates the project site at 12 Jacob Street, Norwalk, CT is located inside Zone AE with a base flood elevation of 12.1 feet defined for the 1% Annual Chance Flood. Refer to Attachment 2 included as documentation. 8 Step decision making process completed by CT DOH.
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 http://www.fws.gov/wetlands/Data/State-Downloads.html . 8 Step decision making process completed by CT DOH.
4. Coastal Zone Management [58.5(c)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project site at 12 Jacob Street, Norwalk, 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

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							Boundary Zone from http://www.cteco.uconn.edu/ . Project is consistent with Coastal Management Act.
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 12 Jacob Street, Norwalk, CT. Project site is outside Aquifer protection area in Norwalk, CT. See attachment 5A for Connecticut DEEP Aquifer Protection Area Map dated January 2, 2019. Natural Resource Management Connecticut Aquifer Protection Area mapping identifies the project site outside any aquifer protection areas. See attachment 5B for CT DEEP Aquifer Protection area map dated 1/2/19.
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 outside mapped Natural Diversity Data Base (NDDB) areas from CT DEEP. 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 http://www.cteco.uconn.edu/ . See attachment 6B for U.S. Fish & Wildlife Service consultation letter which identifies no critical habitats or wildlife refuges in the project area.
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 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(i)]	<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 (i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The residential structure at 12 Jacob Street, Norwalk, CT is located outside the Runway Clear Zone of Tweed/New Haven Commercial Airport.
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site evaluated by qualified professional for evidence of site contamination. Poor conditions not found. See Attachment 7 for EDR Radius Report and Map for evaluation of local historical land use records, on and off-site state, federal and

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							<p>tribal databases, identifying the subject property not in any databases or mapped sites.</p> <p>Also the project site at 12 Jacob Street, Norwalk, CT is,</p> <ol style="list-style-type: none"> 1. Not listed on EPA's NPL Lists (Proposed and Final) or the State of Connecticut's Superfund Priority List; 2. Not listed in Comprehensive Environmental Response and Compensation Liability Information System (CERCLIS) database search as a Comprehensive Environmental Response and Compensation Liability Act (CERCLA) site; 3. Not located within 3,000 feet of a landfill site as listed on CT DEEP's active landfill list; 4. Not listed on CT DEEP's Underground Storage Tank list 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
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"/>	<p>The rehabilitation work at the project site, 12 Jacob Street, Norwalk, CT, 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 Norwalk, Connecticut 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 8 for the 2017 listing of distressed municipalities in CT from the CT DECD in which City of Norwalk, CT is not listed.</p>
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
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"/>	<p>National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Number 09001C0529G, Revised July 8, 2013 indicates the project site at 12 Jacob Street, Norwalk, CT is located inside SFHA Zone AE with a base flood elevation of 11 feet defined for the 1% Annual Chance Flood. Map is included as documentation. All award recipients located in a SFHA are required to acknowledge the requirement, in accordance with federal law, that flood insurance must be maintained for the life of the property and upon transfer of the property to subsequent owners. The acknowledgement is filed on the municipal land records to ensure future owners of the property are notified</p>

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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 12 Jacob Street Norwalk, CT is not located within a Coastal Barrier Resource System unit. See attachment 9 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 http://www.cteco.uconn.edu/
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, 12 Jacob Street, Norwalk, CT, are not expected to affect the capacities of solid waste disposal services.
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 12 Jacob Street, Norwalk, CT was built prior to 1978. The results of a Lead Paint Survey are included in attachment 10, 'NEPA Environmental Review, #1247 12 Jacob Street, Norwalk, CT', dated July 2014, prepared by Triton Environmental, Inc. Lead based paint hazards were tested at 42 locations of the nine distinct building materials. The results XRF testing indicated none of the building materials contained lead concentrations greater than the action level of 1 mg/cm ³ .
13 D. Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A total of 25 samples were collected from nine homogeneous building materials within the work zone. Some samples were further subdivided at the laboratory for discrete testing results in the reporting of 28 results. The results indicated that none of the building materials contained asbestos greater than 1% which is considered non-asbestos containing. Results of testing are included in attachment 10, paragraph 3.2 'Asbestos Sampling', 'NEPA Environmental Review, #1247 12 Jacob Street, Norwalk, CT', dated July 2014, prepared by Triton Environmental, Inc.
13 E. Radon [50.3 (i) 1]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Radon levels requiring mitigation were not found at the project site. Results of testing are included in attachment 10, 'NEPA Environmental Review, #1247 12 Jacob Street, Norwalk, CT', dated July 2014, prepared by Triton Environmental, Inc.
13 F. Mold	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No specific regulation regarding the levels requiring mold mitigation or abatement are enacted by in the State of Connecticut. Due to the proposed demolition of the existing residential structure and construction of a new residential structure, mold remediation is not applicable.

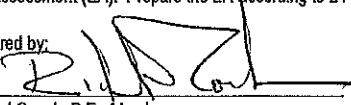
Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input checked="" 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 09001C0529G, Revised July 8, 2013 indicates the project site at 12 Jacob Street, Norwalk, CT is located inside Zone AE with a base flood elevation of 12.1 feet defined for the 1% Annual Chance Flood. See attachment 2 for documentation. See attachment 11 for Professional Certification on Flood Management Certification for the General Permit for the CDBG-DR OORR/SSRR Program.
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 mapped Tidal Wetland Zone. See attachment 12 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 http://www.cteco.uconn.edu/ . See attachment 13 for Correspondence with CT DEEP, project has, <ul style="list-style-type: none"> 1. No new construction activity Waterward of C.J.L. 2. No fill to raise structure. 3. Finished floor above 500 Year B.F.E. 4. No footprint expansion of existing structure. Demolition activities waterward of C.J.L. qualify for Coastal Maintenance General Permit #7 – Removal of Derelict Structures with no registration required.
14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is not located adjacent to an inland wetland or water course.
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 type="checkbox"/>	Rehabilitation activities at the project site will need review by the City of Norwalk Building Department for issuance of required building permit. Zoning Variance obtained for project see attachment 14 for ZBA approval letter and extension approval. CAM permit obtained for project see attachment 15 for CAM approval letter.

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 mitigation. 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:



Richard Couch, P.E., Member
Martinez Couch & Associates, LLC.

2/9/2019
Date

Responsible Entity or designee Signature:



Herma Delaire, CDBG-DR Program Manager

2/14/19
Date