

## 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/Location:** Owner-occupied Rehabilitation and Rebuilding Program Application #2157 6 Beach Road West, Old Saybrook, CT

#### Scope of Work:

Raise existing home to proper flood elevation. Construction of new concrete pier and footing foundation with perimeter interior and exterior concrete piers, new stone base, insulated subfloor assembly, and new pressure treated wood access stairs to the home. Construction of new deck and removal of existing deck. Reconnection of all associated infrastructure (power, water, sanitary lines) to new elevation, as well as mitigation and remediation of lead paint and mold.

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"/>	This project was reviewed in accordance with the Programmatic Agreement developed by the CT State Historic Preservation Office (SHPO), CT Department of Housing, and the Advisory Council on Historic Preservation. SHPO has concluded that the residence does not appear to be eligible for listing on the National Register of Historic Places. No historic properties will be affected by the proposed rehabilitation (Attachment A - SHPO letter, dated 11/28/17).
2. Floodplain Management [58.5(b)] [EO 11988] [24 CFR 55]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the area shows the project site is located within a special flood hazard area, Zone AE, "1% annual flood chance" Middlesex County, CT- Map #09007C0343J (Figure 3). Connecticut Department of Energy and Environmental Protection (CTDEEP) Program-wide Permit is in effect.
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is not located within a wetland according to US Fish and Wildlife Service (USFWS) National Wetlands Inventory map (NWI; 2012; Figure 4). CTDEEP Tidal Wetlands Mapping, as defined in C.G.S. Section 22a-29 and Section 22a-93(7)(e), does not identify tidal wetlands on the property (Figure 5; CTDEEP 1999).

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4. Coastal Zone Management [58.5(c)] [CGS 22a-100(b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is located within the Coastal Boundary, but above the Coastal Jurisdiction Line contour/elevation of 2.9 ft. for the Town of Old Saybrook (CTDEEP 2016; Figure 5). Review by local Planning & Zoning is required (activities must be consistent with Coastal Management Act C.G.S Section 22a-100(b)).
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149] Clean Water Act 1977 Safe Drinking Water Act 1974	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to water quality are anticipated. CTDEEP Bureau of Water Protection and Land Reuse map titled "Connecticut Aquifer Projection Areas" dated February 2017 does not identify aquifer protection areas in the Town of Old Saybrook, CT (Figure 6). The project site is not located in an EPA Sole Source Aquifer ( <a href="http://www.epa.gov/region1/eco/drinkwater/pc_solesource_aquifer.html">http://www.epa.gov/region1/eco/drinkwater/pc_solesource_aquifer.html</a> ).
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.] [CGS 26-310]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CTDEEP State and Federal Listed Species and Significant Natural Communities Map for Middlesex County indicates the presence of listed species or significant natural communities within the vicinity of the site (CTDEEP NDDb 2016; Figure 7). However, Program-specific parameters provide that if no sandy beaches are present on the project site, no further NDDb review is required. The project site is not located on a sandy beach (Figure 1).  USFWS Information, Planning and Conservation System (IPaC) indicates three threatened or endangered species, of Northern Long-eared Bat, Roseate Tern, and Red Knot, as being potentially present on the project site (Attachment B). Further review of USFWS Endangered Species Consultation Project Review for Projects with Federal Involvement indicates Red Knot are not expected to occur within Middlesex County. While Roseate Terns are listed for Middlesex County, they are not expected in the Town of Old Saybrook. Additionally, there is no available habitat for Northern Long-eared Bats on site (Attachment C). Therefore, no endangered or threatened species are expected to occur on the project site (Attachment D).
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"/>	Eightmile River is the only designated wild & scenic river within program area running through Lyme, Salem and East Haddam, CT ( <a href="http://rivers.gov">rivers.gov</a> ; 2012; Figure 8). Project site is not within one mile of the designated area.
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"/>	Residential rehabilitation; will result in no quantifiable increase in air pollution.
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"/>	Natural Resources Conservation Service (NRCS) mapping indicates the site is primarily underlain by Windsor-Urban land complex soils (Figure 9). The proposed project will not involve the conversion of any prime, unique, statewide, or locally important farmland.
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"/>	The site is in a residential neighborhood and proposed project will not result in any increase to density.

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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"/>	Some short-term construction-related noise is expected. No impact on long-term contributions to ambient noise is expected.
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 site is outside of any airport clear zone. <i>Figure 10</i>
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is not listed on EPA Superfund National Priorities or CERCLA List or equivalent State list, is not located within 3,000 feet of a toxic or solid waste landfill, does not have an underground storage tank (which is not a residential fuel tank) and is not known or suspected to be contaminated by toxic chemicals or radioactive materials. Based on attached environmental database report prepared by ERIS (Attachment E). <i>+ Attachment G</i>
11. Environmental Justice [58.5(j)] Executive Order 12898	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is not located in a Distressed Municipality based on the CTDECD 2016 List (Attachment F). The rehabilitation work at the project site is compatible with the surrounding residential use and no adverse human health and environmental effects on minority or low-income population are expected.
12 A. Flood Insurance [58.6(a) & (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FEMA FIRM for the site shows the project site is located within a special flood hazard area, Zone AE, "1% annual flood chance Middlesex County, CT- Map #09007C0343J (Figure 3).  Per federal regulations and program guidelines, for site-specific projects located in the 100-year flood plain, the assisted homeowners are required to maintain flood insurance in the amount of the loan, in perpetuity. Flood insurance requirements must also extend to subsequent owners.  All award recipients located in the 100-year flood plain 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."
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 project site is not located within a designated FEMA FIRM Coastal Barrier Resource Zone. Middlesex County, CT- Map #09007C0343J (Figure 3)
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"/>	The site is outside of any airport clear zone. Project does not involve purchase or sale of a property as such 24 CFR 58.6(d).
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"/>	Solid waste disposal provided by the city. Proposed project will not result in an increase in density. <i>Attachment G</i>
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"/>	Program activities will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water; not a water control project.
3 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"/>	The results of Lead Paint Survey are presented in the Environmental Assessment Report, dated 10/23/2017, prepared by Eagle Environmental Inc. (submitted by

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							Capital Studio Architects along with the Statutory Checklist). Of the two hundred sixty-four (264) readings taken, one (1) was found to contain toxic levels of lead-based paint. The Lead-based Paint Abatement plan details the work practices to be followed during construction to address lead-containing materials at the project site. <b>Attachment H (13C - 13F)</b>
13 D. Asbestos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The results of Asbestos-containing Material Survey are presented in the Environmental Assessment Report, dated 10/23/2017, prepared by Eagle Environmental Inc. (submitted by Capital Studio Architects along with the Statutory Checklist). All samples collected were confirmed to be non-asbestos-containing materials.
13 E. Radon [50.3 (i) 1]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Radon testing was not performed at the project site as the proposed rehabilitation includes elevation and the lowest level of the building and will not be in contact with the ground; Environmental Assessment Report, dated 10/23/2017, prepared by Eagle Environmental Inc. (submitted by Capital Studio Architects along with the Statutory Checklist).
13 F. Mold	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The procedures and results of the microbial testing are presented in the Environmental Assessment Report, dated 10/23/2017, prepared by Eagle Environmental Inc. (report submitted by Capital Studio Architects along with the Statutory Checklist). The Mold and Water Remediation plan details the work practices to be followed during construction to address materials found to be holding moisture.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Program-wide General Permit for CDBG-DR Program activities with CTDEEP are in effect. Refer to Appendix B of the General Permit <b>Attachment I</b>
14 B. Structures, Dredging & Fill Act [CGS 22a-359 through 22a-363f]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rehabilitation work at the project site does not propose any activity water ward of the coastal jurisdiction line as defined in C.G.S. Section 22a-359(c) (Figure 5).
14 C. Tidal Wetlands Act [CGS 22a-28 through 22a-35]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project site is located above the Coastal Jurisdiction Zone based upon the coastal jurisdiction contour/elevation for the Town of Old Saybrook (2017). CTDEEP 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 (Figure 5; CTDEEP 1999).
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"/>	No apparent inland wetlands on the project site based review of NWI data (Figure 4) and NRCS soils data (Figure 9). Project rehabilitation work is not expected to impact wetlands/watercourses.
14 E. Various Municipal Zoning Approvals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No change of use or building expansion that would require zoning approvals noted.

**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:

*Barry Giroux*

12/6/17

Barry Giroux, PE, LEP  
Senior Consultant, GEI Consultants, Inc.

Date

Responsible Entity or designee Signature:

*Hermia Delaire*

Hermia Delaire, CDBG-DR Program Manager

*10/23/2018*

Date