

A-17: WORKSHEET FOR PREPARING 24 CFR 58.5 STATUTORY CHECKLIST**Worksheet for Preparing 24 CFR §58.5 Statutory Checklist**

[Attach this Worksheet and all documentation used to complete this Worksheet to Statutory Checklist]

General Project Information:

Does the project include demolition, ground disturbance, new construction or substantial rehabilitation (increases capacity by 20% or more)?

Yes No

1. Historic Properties [36 CFR Part 800]

a. Is the project located within or directly adjacent to a historic district?

Yes No

b. Were any properties of historical, architectural, religious, or cultural significance identified in the project's Area of Potential Effect (APE)?

Yes No

c. Did the SHPO agree that "no historic properties will be affected?"

Yes No

d. Does the project involve the transfer, lease, or sale of a historic property of religious and cultural significance to tribes, demolition, ground disturbance, or new construction in undeveloped natural areas (if no, tribal consultation is not required)?

Yes No

e. If yes to 1.d., does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited? (<https://egis.hud.gov/tadat/>)

Yes No N/A

f. If "yes" to 1.e., upon notification by Grantee in writing, did any tribe(s) respond with the following within 30 days of the receipt of the notification:

Requested inadvertent discovery clause Requested to be a consulting party
 Other response No response

If the SHPO does not agree, "no historic properties will be affected" or if a Tribe requests to be a consulting party, contact OCD to discuss further. Otherwise, record all response

from tribes or the lack thereof in the Statutory Checklist, mark box A, and compliance is complete.

2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

a. Is the project located within (or have an impact on) a 100-year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?

Yes No

b. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500-year floodplain (Zone B) identified by FEMA maps?

Yes No

c. Is the project located in a floodway? **If so, contact OCD immediately to determine if this project may be completed.**

Yes No

If no to a, b and c, mark box A and compliance is complete. If yes to a, b, or c, mark box B and follow HUD’s Floodplain Management Regulations 8-step decision-making process of §55.20 to comply with 24 CFR Part 55. The findings of the decision-making process must be included in the ERR and summarized in Part 58 public notices, as well as NOI/RROF and FONSI notices.

3. §58.5(b) (2) Wetlands Protection (E.O. 11990)

a. Does the project involve new construction, land use conversion, or major rehabilitation?

Yes No

b. If yes to 3.a., are there wetlands in or adjacent to the area where construction will take place according to the Wetland Inventory Mapper maintained by the US Fish & Wildlife Service?

Yes No N/A

If no to a or b, mark box A and compliance is complete. If yes to b, mark box B and follow HUD’s Floodplain Management Regulations 8-step decision-making process of §55.20 to comply with 24 CFR Part 55. The findings of the decision-making process must be included in the ERR and summarized in Part 58 public notices, as well as NOI/RROF and FONSI notices.

4. §58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]

a. If the project involves new construction, land use conversion, major rehabilitation, or substantial improvements, is the project located in the Coastal Zone?

Yes No N/A

If yes, mark box B and ensure that the State CZM agency finds that the project is consistent with the approved State CZM Plain. If no, mark box A and compliance is complete.

5. §58.5(d). Sole Source Aquifers [40 CFR Part 149]

- a. Is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes No

If yes, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box B on the Statutory Checklist for this authority. If No, compliance with this section is complete. Mark box A on the Statutory Checklist for this authority.

6. §58.5(e) Endangered Species [50 CFR Part 402]

- a. Does the project ONLY involve purchase and placement of playground equipment within existing parks?

Yes No

- b. If no to 6.a., has the US Fish and Wildlife Service or the National Marine Fisheries Services identified listed species or designated critical habitat in the parish where the project is located?

Yes No N/A

- c. If yes to 6.b., did you contact US Fish and Wildlife Service or a qualified professional to determine if the project may affect the species or habitat?

Yes No N/A

If yes to a, mark box A and compliance is complete. If no to b, the Grantee is required to make a finding of “no effect” and include a memorandum to the file supporting the finding; mark box A and compliance is complete. If yes to c, the Grantee must consult with the US Dept. of Fish and Wildlife to determine if mitigation is required; mark box B.

7. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

- a. If the project involves new construction, land use conversion or major rehabilitation, is the project located within one (1) mile of a designated Wild and Scenic River, or river being studied as a potential component of the Wild and Scenic River system?

Yes No N/A

If no, mark box A and compliance is complete. If yes, mark box B and a determination from the National Park Service must be obtained with a finding of no direct or adverse effect.

8. §58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]

- a. Does this project involve demolition or renovation of buildings likely to contain asbestos containing materials?

Yes No

- b. Is the project in a non-attainment area?

Yes No

- c. If yes to 8.b., is the project consistent with the air quality State Implementation Plan (SIP)?

Yes No N/A

If a and b are no, mark box A and compliance is complete. If a is yes, mark box B ensure the project is in compliance with EPA's Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations. A worksheet with guidance on determining if the project involves Asbestos can be found at <https://www.hudexchange.info/resource/1205/hprp-lead-based-paint-screening-worksheet/>. Please include this worksheet with the report. List all required mitigation measure on statutory checklist. If yes to c, mark box B and obtain letter of consistency from cognizant agency.

9. §58.5(h) Farmlands Protection [7 CFR Part 658]

- a. Does the project involve new construction, conversion of undeveloped land, or site clearance?

Yes No

- b. If yes to 9.a., is the project located in an area committed to urban uses?

Yes No N/A

- c. If no to 9.b., does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service?

Yes No N/A

If a is no, mark box A and compliance is complete. If b is yes, mark box A and compliance is complete. If c is yes, mark box B and request evaluation of land type from MRCS using Form AD-1006; consider resulting rating to determine what mitigation measures, if any, are necessary.

10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?

Yes No

If no, mark box A and compliance is compete. If yes, contact OCD to discuss further.

11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

Yes No

If no, mark box A and compliance is complete. If yes, contact OCD to discuss further.

12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

- a. Is the project within 2,500 feet of a civilian airport [the Runway Clear Zone (RCZ)] or 15,000 feet of a military airfield [the Clear Zone (CZ) or Accident Potential Zone (APZ)]?

Yes No

If no, mark box A and compliance is complete. If yes, obtain written finding from airport operator stating whether or not the project is located in a RCZ, CZ, or APZ. If airport operator finds project is located in RCZ, CZ or APZ, contact OCD to discuss further.

13. §58.5(i) (2) Contamination and Toxic Substances – Please complete search in NETROnline <https://environmental.netronline.com/>

- a. Has the project area ever been used as a dump, landfill, industrial site, or type of site that may have contained hazardous wastes?

Yes No

- b. Is the project area free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances?

Yes No

- c. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1- 4 units. HUD requires an ASTM Phase I ESA for multifamily (5 or more units) and/or Non- residential properties for environmental review prepared under Part 50.

Yes No

If yes continue.

- d. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?
- Yes No
- e. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?
- Yes No

If no to a and yes to b, mark box A and compliance is complete. If yes to a or no to b, provide documentation from a qualified environmental professional or cognizant agency to ensure the project area is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances or that potential sources of contamination do not pose a hazard that would restrict the intended uses of the property. If yes to d or e mark box b and provide the ASTM Phase I report along with all required mitigation efforts.

14. §58.5(j) Environmental Justice (E.O. 12898)

- a. Would the proposed project have an adverse impact and would this impact disproportionately impact minority and low-income populations relative to the community-at-large?
- Yes No

If no, mark box A and compliance is complete. If yes, mark box B, mitigation or avoidance of adverse impacts must be considered to the extent practicable, public participation processes must involve affected population(s) in the decision-making process. Project may not move forward until EJ issue is mitigated to the satisfaction of the grantee and the impacted community.

15. Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, etc. Ensure final measures are included in Project Description Section of 7015.15.)

16. References:

(List all resources used to complete environmental review of the proposed project.)

17. List of Major Reports Obtained:

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.)

18. List of Preparers and Summary of Qualifications: