**U.S. Department of Housing and Urban Development**



 451 Seventh Street, SW

Washington, DC 20410

www.hud.govespanol.hud.gov

**Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5**

**Pursuant to 24 CFR 58.35(a)**

**Project Information**

**Project Name:**

**Responsible Entity:**

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier**: Grant #

**Preparer:**

**Certifying Officer Name and Title:**

**Consultant** (if applicable):

**Direct Comments to:**

**Project Location:**

**Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Funding Information**

|  |  |  |
| --- | --- | --- |
| **Grant Number** | **HUD Program**  | **Categorically Excluded Amount**  |
|  | State CDBG |  |
|  |  |  |

**Estimated Total HUD Funded Amount:**

**Estimated Total Project Cost** (HUD and non-HUD funds) [24 CFR 58.32(d)]**:**

# Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

|  |  |  |
| --- | --- | --- |
| **Compliance Factors**: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6  | Are formal compliance steps or mitigation required? | Compliance Determinations  |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6** |
| **Airport Hazards** 24 CFR Part 51 Subpart D | Yes No [ ]  [ ]  |  |
| **Coastal Barrier Resources** Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] | Yes No [ ]  [x]  | *Illinois is not a covered state under these Acts.*  |
| **Flood Insurance** Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] | Yes No [ ]  [x]  | *The project is exempt pursuant to Section 58.6(a)(3), because it is funded through a HUD formula grant made to a state.*  |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5** |
| **Clean Air** Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 | Yes No [ ]  [ ]  |  |
| **Coastal Zone Management** Coastal Zone Management Act, sections 307(c) & (d) | Yes No [ ]  [ ]  |  |
| **Contamination and Toxic Substances** 24 CFR Part 50.3(i) & 58.5(i)(2) | Yes No[x]  [ ]  | Will be documented and cleared under individual Tier 2 reviews for each single unit, owner-occupied LMI property selected for actual rehabilitation. |
| **Endangered Species** Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 | Yes No[ ]  [x]  | This target area single unit, owner-occupied LMI housing rehabilitation project is likely to have No Effect on any USF&WS listed species for its county, because the project is limited to the rehabilitation of existing structures, specifically owner-occupied homes. |
| **Explosive and Flammable Hazards**24 CFR Part 51 Subpart C | Yes No[ ]  [x]  | Project does not include a hazardous facility, and project does not include development, construction or rehabilitation that will increase residential densities or conversion. |
| **Farmland Protection** Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 | Yes No[ ]  [x]  | This target area single unit, owner-occupied LMI housing rehabilitation project is exempt from the provisions of this Act, as the project is limited to the rehabilitation of existing units. The project will not convert any farmland. |
| **Floodplain Management** Executive Order 11988, particularly section 2(a); 24 CFR Part 55 | Yes No[ ]  [x]  | Proposed single unit, owner-occupied housing rehabilitation to be undertaken in a target area of the community is only considered to be a minor improvement under 24 CFR 55.2(b)(10)(iii), and thus not subject to the decision-making process under 24 CFR 55.12. See attached FEMA FIRMette of target area. |
| **Historic Preservation** National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 | Yes No[x]  [ ]  | See attached Illinois DNR Historic Preservation (HP) Section 106 letter satisfying the Tier 1 requirements for the target area. Individual IDNR HP Tier 2 Section 106 letters will be obtained for each home selected for actual rehabilitation, to check for presence on National and state historic registers. |
| **Noise Abatement and Control** Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B | Yes No[x]  [ ]  | Will be documented and cleared under individual Tier 2 reviews for each single unit, owner-occupied LMI property selected for actual rehabilitation. |
| **Sole Source Aquifers** Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 | Yes No[ ]  [ ]  |  |
| **Wetlands Protection** Executive Order 11990, particularly sections 2 and 5 | Yes No[ ]  [x]  | Proposed single unit, owner-occupied housing rehabilitation to be undertaken in a target area of the community does not meet the definition of “New Construction” under Executive Order 11990.  |
| **Wild and Scenic Rivers** Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) | Yes No[ ]  [ ]  |  |
| **ENVIRONMENTAL JUSTICE** |
| **Environmental Justice**Executive Order 12898 | Yes No[x]  [ ]  | Will be documented and cleared under individual Tier 2 reviews for each single unit, owner-occupied LMI property selected for actual rehabilitation. |

**Field Inspection** (Date and completed by)**:**

**Summary of Findings and Conclusions:**

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

|  |  |
| --- | --- |
| Law, Authority, or Factor  | Mitigation Measure |
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|  |  |

**Determination:**

[ ]  This categorically excluded activity/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; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

[x]  This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires 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 any funds; OR

[ ]  This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Responsible Entity Agency Official Signature:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_

Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).