

**STATUTORY CHECKLIST FOR CATEGORICALLY EXCLUDED PROJECTS SUBJECT TO §58.5**

PROJECT NAME AND DESCRIPTION (Include all contemplated activities which are either geographically and/or functionally part of the project)

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**Location:** This is a homeowner rehabilitation project, and is determined to be Categorically Excluded according to §58.35(a)(3)(i).

*If this is a project other than homeowner rehabilitation, cite the appropriate section(s) of the regulation at §58.35(a) which categorically excludes the project.*

**DIRECTIONS:** - Once the review process for each compliance factor has been completed, the Statutory Check list must then be filled out. Specifically, the Responsible Entity (RE) must indicate whether the activity does or does not affect the resources under consideration. Consult the guidance provided in the table below or the web sites. Indicate **Status “A”** on the worksheet if the project does not require formal consultation with an outside agency and does not affect the resource in question. Document the determination made and the sources of information used – information sources are provided in the guidance. If the activity triggers formal compliance consultation with the oversight agency or affects the resource, indicate **Status “B”**. Any compliance documentation should also be attached to the Checklist and included in the ERR.

**Compliance Factors:**

Statutes, Executive Orders and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
<b>Historic Preservation</b> [36 CFR Part 800]		

**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/historic.cfm>

<b>Floodplain Management</b> [Executive Order 11988; 24 CFR Part 55]		
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**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm>

Statutes, Executive Orders and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
<b>Wetland Protection</b> [Executive Order 11990; 3 CFR, §§ 2,5]		

**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm>

<b>Coastal Zone Management Act</b> [16 U.S.C. 1451, §§ 307(c), (d)]	A	There are no coastal zones in Tennessee
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**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/coastal.cfm>

<b>Sole Source Aquifers</b> [140 CFR Part 149]	A	There are no sole source aquifers in Tennessee
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**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/aquifers.cfm>

<b>Endangered Species Act</b> [50 CFR Part 402]		
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**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/endangeredspecies.cfm>

<b>Wild and Scenic Rivers Act</b> [16 U.S.C. 1271 §§ 7(b), (c)]		
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**Guidance:** <http://www.rivers.gov/wildriverslist.html>

<b>Clean Air Act</b> [40 CFR Parts 6, 51,93]		
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**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/cleanair.cfm>

<b>Farmland Protection Policy Act</b> [7 CFR Part 658]		
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**Guidance:** <http://www.hud.gov/offices/cpd/environment/review/farmlands.cfm>

Statutes, Executive Orders and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
<b>Environmental Justice</b> [Executive Order 12898]		

*Guidance:* <http://www.hud.gov/offices/cpd/environment/review/justice.cfm>

<b>Noise Abatement and Control</b> [24 CFR Part 51, Subpart B]		
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*Guidance:* <http://www.hud.gov/offices/cpd/environment/review/noise.cfm>

<b>Explosive and Flammable Operations</b> [24 CFR Part 51, Subpart C]		
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*Guidance:* <http://www.hud.gov/offices/cpd/environment/review/explosive.cfm>

<b>Toxic Chemicals and Radioactive Materials</b> [24 CFR Part 58, § 5(i)(2)]		
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*Guidance:* <http://www.hud.gov/offices/cpd/environment/review/hazardous.cfm>

<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR Part 51, Subpart D]		
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*Guidance:* <http://www.hud.gov/offices/cpd/environment/review/airport.cfm>

**DETERMINATION:**

This project converts to Exempt, per § 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 drawn down for this (now) EXEMPT project; OR

This project cannot convert to Exempt because one or more statutes/authorities require 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. Prepare the EA according to 24 CFR Part 58 Subpart E.

Preparer: \_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Certifying Officer: \_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Date