



STATUTORY CHECKLIST

Use this worksheet for projects that are Categorical Excluded under 24 CFR §58.35(a).

PROJECT NAME: _____

ERR FILE # _____ (optional)

An “ERR Determination” form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check one of the appropriate boxes under “Status.”

“A box” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to **WHY the authority is not implicated, or HOW compliance is met:** OR

“B box” The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input type="checkbox"/>	
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input type="checkbox"/>	<input type="checkbox"/>	
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Manag't. (http://coastalmanagement.noaa.gov/mystate/welcome.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input type="checkbox"/>	
5. Endangered Species [50 CFR 402]	<input type="checkbox"/>	<input type="checkbox"/>	

6. Environmental Justice [Executive Order 12898]	<input type="checkbox"/>	<input type="checkbox"/>	
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input type="checkbox"/>	
8. Farmland Protection [7 CFR 658]	<input type="checkbox"/>	<input type="checkbox"/>	
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input type="checkbox"/>	<input type="checkbox"/>	
10. Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input type="checkbox"/>	
11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input type="checkbox"/>	
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input type="checkbox"/>	<input type="checkbox"/>	
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input type="checkbox"/>	<input type="checkbox"/>	
14. Wild and Scenic Rivers [36 CFR 297]	<input type="checkbox"/>	<input type="checkbox"/>	

DETERMINATION:

- Box "A" has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any compliance measure (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down;** OR
- Box "B" has been checked for one or more authority.** The project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§ 58.70 & 58.71 **before committing funds;** OR
- The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Part 58.6 Requirements [24 CFR §58.6]

Complete the following table for all projects.

§58.6 Requirements	Status (Y/N)	Source Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]		
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	YES	No Coastal Barrier Resource Areas in MO/KS/NE/IA. http://coastalmanagement.noaa.gov/mystate/welcome.html
Airport Runway Clear Zone Disclosure & Notification [§58.6(d)]		

PREPARER:

SIGNATURE: _____ DATE: _____

PREPARER NAME & TITLE: _____

PREPARER'S AGENCY (If Different from Responsible Entity):

RESPONSIBLE ENTITY APPROVING OFFICIAL:

SIGNATURE: _____ DATE: _____

APPROVING OFFICIAL NAME & TITLE: _____
