Form 2-5 Statutory Checklist
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: _____

CDBG No.: _____

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	Federal/State/Other Program	Funding Amount

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 and 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 ☐	
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 ☐	
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 ☐	
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☐	
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☐	
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☐	
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☐	
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes ☐ No ☐	

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 ☐	
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 ☐	
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 ☐	

STATE OR LOCAL STATUTES (to be added by Responsible Entity		
New York State Department of Agriculture and Markets Section 305(4) of the Agriculture and Markets Law	Yes ☐ No ☐	
State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes ☐ No ☐	

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

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

☐ 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: _____

_____

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).

Instructions for
Form 2-5 Statutory Checklist
Categorically Excluded Subject to Section 58.5

Under 24 CFR 58.5 and 58.6, CDBG Recipients must review their projects using the same regulations HUD would otherwise be subject to under the National Environmental Policy Act. The Statutory Checklist covers Federal laws, regulations and Executive Orders (see 24 CFR 58.5) that may impact the HUD funded project. The Checklist is an important piece of the Environmental Review Record since it records the results of the review of statutes, regulations and Executive Orders outlined in 24 CFR 58.5 and 58.6 of the CDBG Environmental Review regulations. Compliance means that the Recipients must follow detailed procedures required by the particular law, regulation, or Executive Order.

Recipients are strongly encouraged to check individual regulations directly for applicability and compliance measures.

Project Information

1. Project Name & CDBG No.
    a. Provide the Municipality Name, assigned CDBG Project Number, for example: The City of Upstate Wastewater Improvement, 555PR999-15.
2. Responsible Entity
    a. This is the entity identified in the Designation of Certifying Officer
3. Grant Recipient
    a. This is the Municipal Recipient of NYS CDBG funds
4. Preparer
    a. Provide the name of the person preparing this form
5. Certifying Officer Name and Title
    a. Provide the name and title of person identified in the Designation of Certifying Officer
6. Consultant
    a. Provide the name of the firm only, if applicable
7. Direct Comments to
    a. The address of the Certifying Officer

Project Location

1. Provide the physical address of the activity, or for activities such as housing where locations may not be known, state Various locations to be determined within the <Municipality Name>

Description of the Proposed Project

1. Provide a brief, narrative description of the proposed project

Level of Environmental Review Determination

1. Identify the specific citation from 58.35(a)

Instructions for
Form 2-5 Statutory Checklist
Categorically Excluded Subject to Section 58.5

Funding Information

1. Provide the requested information for all other funding sources.
    a. Attach additional paper when required
2. Enter the total CDBG funding assistance
3. Enter the total funding assistance from **ALL** sources

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

1. Each statute, executive order or regulation must be addressed
2. Select YES or NO for each criteria
3. Compliance determination for every criteria must be fully explained to the satisfaction of the OCR

Field Inspection

1. Provide the date compliance was completed and who it was completed by

Summary of Findings and Conclusions

1. Provide a narrative description

Mitigation Measures and Conditions

1. Identify any other law, authority or factor that was considered and the mitigation measures

Determination

1. Select the appropriate determination
2. Consultation with OCR is strongly encouraged prior to making determination

THE ORIGINAL STATUTORY CHECKLIST MUST BE RETAINED BY THE RECIPIENT WITH THE COMPLETE ENVIRONMENTAL REVIEW RECORD; A COPY OF THIS COMPLETED FORM MUST BE SUBMITTED TO THE OCR VIA FAX, E-MAIL OR HARD COPY U.S. MAIL.