**Categorical Exclusion Determination**

**Infrastructure Community Block Development Grant**

**Activities Subject to 24 CFR 58.5**

**[Enter Project Name.]**

**[Enter the Responsible Entity Name.]**

**[Enter the CDBG Grant Number.]**

**[Enter the date.]**

|  |  |
| --- | --- |
| **Responsible Entity Address:** | [Enter the Responsible Entity address.] |
| **Recipient Name (if different from Responsible Entity):** | [Enter the Recipient Name.] |
| **Recipient Address:** | [Enter the Recipient Address.] |
| **Project Description:** | [Enter a brief project description.] |
| **Grant Amount:** | [Enter the CDBG amount.] |
| **Total Project Cost:** | [Enter the total project cost.] |

The purpose of this grant is to provide for the acquisition, repair, improvement, reconstruction, or rehabilitation of water and sewer infrastructure facilities and improvements when the following conditions are met:

The facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines);

Functionally dependent activities, if applicable do not result in changes in land use (for example a residential facility is converted to a non-residential facility);

Functionally dependent residential activities, if applicable, are limited to rehabilitation or construction of single-family (one- to four-unit) housing, or rehabilitation of multifamily housing with change in density of 20% or less and a rehabilitation cost of 75 % or less than replacement cost; and

Functionally dependent, public or commercial activities, if applicable, are limited to rehabilitation, with change in density of 20% or less.

Based upon the level of environmental review, the project must be screened for compliance with the Federal laws and authorities cited in 24 CFR 58.5. The paragraphs below discuss the consultation(s) completed and, if applicable, any mitigation requirement(s) that will be implemented. This guidance is not a substitute for requirements in the state or local laws, regulations, and Executive Order regarding environmental analysis and mitigation.

**24 CFR 58.5 AUTHORITIES**

*Historic Preservation [24 CFR 58.5(a)]*

[Select **one** of the three options below.]

Consultation with the North Carolina Department of Cultural Resources (DCR), Catawba Indian Nation, and, in applicable counties, Eastern Band of Cherokee Indian Nation or Tuscarora Indian Nation, if required based on the county list in the guidance, found that no National Register eligible or listed properties will be affected ([Insert Record Number(s) for each agency consulted if record numbers are provided.]). Therefore, further compliance with the requirements of the National Historic Preservation Act of 1966, particularly sections 106 and 110, is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Consultation with the North Carolina Department of Cultural Resources (DCR), Catawba Indian Nation, and, in applicable counties, Eastern Band of Cherokee Indian Nation or Tuscarora Indian Nation found that National Register eligible or listed properties located in the project area will *not* be adversely affected ([Insert Record Number(s) for each agency consulted if record numbers are provided.]). Therefore, compliance with the National Historic Preservation Act of 1966, particularly sections 106 and 110, has been triggered and the project cannot be converted to Exempt. Maintenance of the adverse effect will require adherence to the following conditions: [**Briefly** describe the conditions that allowed for the finding of no adverse effect (e.g. Strict adherence to local historic preservation codes]. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Consultation with the North Carolina Department of Cultural Resources (DCR), Catawba Indian Nation, and, in applicable counties, Eastern Band of Cherokee Indian Nation or Tuscarora Indian Nation found that National Register eligible or listed properties will be adversely affected ([Insert Record Number(s) for each agency consulted if record numbers are provided.]). Therefore, compliance with the National Historic Preservation Act of 1966, particularly sections 106 and 110, has been triggered and the project cannot be converted to Exempt. A Memorandum of Agreement outlining agreed upon mitigation has been filed with the Advisory Council on Historic Preservation, in fulfillment to the requirements of the National Historic Preservation Act, particularly sections 106 and 110. [**briefly** describe the mitigative measures that shall be implemented.]. Supporting documentation related to this statement and the mitigative measures is located in the Environmental Information Document on file with the Responsible Entity.

*Floodplain Management [24 CFR 58.5(b)(1)]*

[Select **one** of the three options below.]

Based upon a review of the appropriate data sources identified at 24 CFR 55.2(b)(1) the proposed project area[[1]](#footnote-1)† does not contain a coastal high hazard area, 100-year floodplain (including the floodway), or for a critical action [as defined at 24 CFR 55.2(b)(3)] 500-year floodplain. Therefore further compliance with the requirements of Executive Order 11988, as implemented at 24 CFR Part 55, is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon review of the appropriate data sources identified at 24 CFR 55.2(b)(1) the proposed project area[[2]](#footnote-2)† contains an incidental coastal high hazard area, 100-year floodplain (including the floodway), or for a critical action [as defined at 24 CFR 55.2(b)(3)] 500-year floodplain, no construction will occur in the floodplain or hazard area, and a permanent covenant or comparable restriction that precludes future development will be placed on the floodplain or hazard area. Therefore further compliance with the requirements of Executive Order 11988, as implemented at 24 CFR Part 55, is not required. Supporting documentation related to this statement and the decision-making process is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon review of the appropriate data sources identified at 24 CFR 55.2(b)(1), the proposed project will impact the 100-year floodplain or for a critical action [as defined at 24 CFR 55.2(b)(3)] 500-year floodplain. Therefore, compliance with Executive Order 11988, as implemented at 24 CFR Part 55, has been triggered, and the project cannot be converted to Exempt. Through the decision-making process required in 24 CFR 55.20, it was determined that the best practicable alternative remains located within the 100-year floodplain, or for a critical action [as defined at 24 CFR 55.2(b)(3)] 500-year floodplain. The impact will be mitigated by [**briefly** describe mitigative measures that shall be implemented.]. Therefore, the requirements of Executive Order 11988 have been fulfilled. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.[[3]](#footnote-3)‡

*Wetland Protection [24 CFR 58.5(b)(2)]*

[Select **one** of the four options below.]

Based upon a review of the National Wetlands Inventory, NRCS Soil Survey, and a field visit that occurred on [Insert date.], the proposed project area[[4]](#footnote-4)† contains no Executive Order 11990, wetlands. Therefore, further compliance with the requirements of Executive Order 11990, as implemented at 24 CFR Part 55, is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of the National Wetlands Inventory mapping, NRCS Soil Survey and a field visit that occurred on [Insert date.], the proposed project area[[5]](#footnote-5)† contains incidental Executive Order 11990 wetlands. No new construction[[6]](#footnote-6)⃰ will occur in the wetland, and a permanent covenant or comparable restriction that precludes future development will be placed on the wetland. Therefore further compliance with the requirements of Executive Order 11990, as implemented at 24 CFR Part 55, is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of the National Wetlands Inventory, NRCS Soil Survey and a field visit that occurred on [Insert date.], the proposed project area[[7]](#footnote-7)† contains Executive Order 11990 wetlands that will be impacted by new construction[[8]](#footnote-8)⃰. Therefore, compliance with Executive Order 11990, as implemented at 24 CFR Part 55, has been triggered and the project cannot be converted to Exempt. Through the decision-making process required in 24 CFR 55.20, it was determined that the best practicable alternative remains located within wetlands. The impact will be mitigated by [**Briefly** describe mitigative measures that will be implemented.]. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Coastal Zone Management Act of 1972 [24 CFR 58.5(c)]*

[Select **one** of the three options below.]

The proposed project area is located in a non-coastal county. Therefore further compliance with the requirements of the Coastal Zone Management Act of 1972 is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project area is located in a coastal county. Therefore, compliance with the Coastal Zone Management Act of 1972 has been triggered, and the project cannot be converted to Exempt. The North Carolina Department of Environment and Natural Resources, Division of Coastal Management (DCM) was consulted. On [Insert date.], the DCM responded that the project is consistent with the approved North Carolina Coastal Zone Management Plan and that no mitigation is required (see [Insert reference number, if applicable.]). Therefore, the requirements of the Coastal Zone Management Act of 1972 have been fulfilled. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project is located in a coastal county. Therefore, compliance with the Coastal Zone Management Act of 1972 has been triggered, and the project cannot be converted to Exempt. The North Carolina Department of Environment and Natural Resources, Division of Coastal Management (DCM) was consulted. On [Insert date.], the DCM responded that the project will require the following mitigation to remain consistent with the approved North Carolina Coastal Zone Management Plan ([Insert reference number, if applicable.]): [**Briefly** describe mitigation measures.]. Therefore, the requirements of the Coastal Zone Management Act of 1972 have been fulfilled. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Sole Source Aquifers [24 CFR 58.5(d)]*

No sole source aquifers are located within North Carolina. Therefore, further compliance is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Endangered Species Act of 1973 [24 CFR 58.5(e)]*

[Select **one** of the three options below.]

Based upon a review of federally listed threatened and endangered (T&E) species data and informal consultation with the US Fish and Wildlife Service or, if marine species could be impacted, National Marine Fisheries Service, it has been determined that the proposed project will not pose a threat to either T&E species or T&E species habitat, and a finding of No Effect has been made. Therefore further compliance with the requirements of the Endangered Species Act is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of federally listed threatened and endangered (T&E) species data and informal consultation with the US Fish and Wildlife Service (USFWS) or, if marine species could be impacted, National Marine Fisheries Service (NMFS), it has been determined that the proposed project has the potential to affect on- or off-site T&E species or their habitats. Therefore, compliance with the Endangered Species Act has been triggered and the project cannot be converted to Exempt. The project will [**Briefly** describe impact.]. Through consultation with USFWS, or, if marine species could be impacted, NMFS, the project will not adversely affect the T&E species ([Insert date.], [Insert reference number.]). Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of federally listed threatened and endangered (T&E) species data and informal consultation with the US Fish and Wildlife Service (USFWS) or, if marine species could be impacted, National Marine Fisheries Service (NMFS), it has been determined that the proposed project has the potential to affect on- or off-site T&E species or their habitats. Therefore, compliance with the Endangered Species Act has been triggered and the project cannot be converted to Exempt. The project will [**Briefly** describe impact.]. Through consultation with the USFWS or, if marine species could be impacted, NMFS, a Biological Opinion of “Not Likely to Jeopardize the Existence of” the subject T&E species was received on [Insert date.] ([Insert reference number.]). [**Briefly** describe the mitigative measures outlined the Biological Opinion.]. These mitigative measures shall be implemented as part of the project. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Wild and Scenic Rivers Act [24 CFR 58.5(f)]*

[Select **one** of the three options below.]

Based upon a review of appropriate data sources, the proposed project area is not located within one mile of a listed wild and scenic river and, as a result, will have no impact on wild and scenic rivers. Therefore further compliance with the requirements of the Wild and Scenic Rivers Act is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of appropriate data sources, the proposed project area is located within one mile of a listed wild and scenic river. The [Insert the name of the managing Federal agency.], the managing Federal agency, was consulted on [Insert date.] ([Insert reference number, if applicable.]), and it was determined that the project will have no impact on [Insert the name of the wild and scenic river.]. Therefore further compliance with the requirements of the Wild and Scenic Rivers Act is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of appropriate data sources, the proposed project area is located within one mile of a listed wild and scenic river. The [Insert the name of the managing Federal agency.], which is the managing Federal Agency, was consulted on [Insert date.] ([Insert reference number, if applicable.]), and it was determined that the project will have the following impact on [Insert the name of the wild and scenic river.]: [**Briefly** describe the impact]. Therefore, compliance with the Wild and Scenic Rivers Act has been triggered, and the project cannot be converted to Exempt. To mitigate the impact, the following measures shall be implemented: [**Briefly** describe the mitigative measures.]. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Clean Air Act [24 CFR 58.5(g)]*

[Select **one** of the three options below.]

Based upon consultation with the North Carolina Department of Environment and Natural Resources, Division of Air Quality (DAQ) on [Insert date.], the DAQ indicated that the proposed project is not located in a non-attainment or maintenance area. Therefore further compliance with the requirements of the Clean Air Act as amended in 1990 is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon consultation with the North Carolina Department of Environment and Natural Resources, Division of Air Quality (DAQ) on [Insert date.], the DAQ indicated that the proposed project is located in a non-attainment or maintenance area. Based upon consultation with the DAQ, the project is in conformance with the State Implementation Plan, and no further action is needed. Therefore, further compliance with the requirements of the Clean Air Act as amended in 1990 is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon consultation with the North Carolina Department of Environment and Natural Resources, Division of Air Quality (DAQ) on [Insert date.], the DAQ indicated that the proposed project is located in a non-attainment or maintenance area. Based upon consultation with the DAQ, the project is not in conformance with the State Implementation Plan (SIP). Therefore, compliance with the Clean Air act as amended in 1990 has been triggered, and the project cannot be converted to Exempt. The DAQ recommends that [Insert a **brief** description of mitigative measures.]. Once these actions are completed, the project will be in conformance with the SIP. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Farmland Protection Policy Act [24 CFR 58.5(h)]*

[Select **one** of four options below.]

Based upon consultation with the [Insert name of county where the project is located.] soil survey, prime and unique farmlands soils listing, and current land use map, it has been determined that the proposed project area contains no soil types associated with prime and unique farmland. Therefore, further compliance with the requirements of the Farmland Protection Policy Act of 1981 is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon consultation with the [Insert name of county where the project is located.] soil survey, prime and unique farmlands soils listing, and current land use map, it has been determined that the proposed project area contains [Insert acreage] acres of soil types related to prime and unique farmlands; however, these soils are committed to urban development[[9]](#footnote-9) or water storage. Therefore, further compliance with the requirements of the Farmland Protection Policy Act of 1981 is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon consultation with the [Insert name of county where the project is located.] soil survey, prime and unique farmlands listing, and current land use map, it has been determined that the proposed project area contains [Insert acreage.] acres of soil types related to prime and unique farmland, and these soils are not committed to urban development or water storage. Therefore, compliance with the Farmland Protection Policy Act of 1981 has been triggered and the project cannot be converted to Exempt. The soils will be impacted by [**Briefly** describe the type of impacts]. Based upon completion of the Farmland Impact Analysis Rating process, including consultation with the Natural Resources Conservation Service ([Insert date.], [Insert reference number, if applicable.]), it has been determined that no mitigation is required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon consultation with the [Insert name of county where the project is located.] soil survey, prime and unique farmlands soils listing, and current land use map, it has been determined that the proposed project area contains [Insert acreage.] acres of soil types related to prime and unique farmlands, and these soils are not committed to urban development or water storage. Therefore, compliance with the Farmland Protection Policy Act of 1981 has been triggered and the project cannot be converted to Exempt. The soils will be impacted by [**Briefly** describe the type of impacts]. Based upon completion of the Farmland Impact Analysis Rating process, including consultation with the Natural Resources Conservation Service ([Insert date.], [Insert reference number, if applicable.]), it has been determined that the following mitigation is required: [Insert a **brief** description of the mitigative measures.]. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Environmental Justice [24 CFR 58.5(j)]*

[Select **one** of the three options below.]

Based upon a review of Census 2010 population data, it has been determined that there are no minority or low-income populations that will be impacted or benefitted by the proposed project. Therefore, further compliance with the requirements of Executive Order 12898 is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of the Census 2010 population data, it has been determined that there are minority and low-income populations that may be impacted or benefitted by the proposed project. These impacts or benefits are [Provide a **brief** description of the impacts **and/or** benefits.]. Based upon a review of these impacts and/or benefits, it has been determined that they will not create a disproportionately high and adverse human and environmental impact on minority and low-income populations because [Insert a **brief** description as to why these impacts will not be disproportionately high and adverse on EJ populations.]. Therefore, further compliance with the requirements of Executive Order 12898 is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of the Census 2010 population data, it has been determined that there are minority and low-income populations that will be impacted by the proposed project. These impacts are [Provide a **brief** description of the impacts.]. Based upon a review of these impacts, it has been determined that they will create a disproportionately high and adverse human and environmental impact on minority and low-income populations because [Insert a **brief** description as to why these impacts will be disproportionately high and adverse on EJ populations.]. Therefore, compliance with Executive Order 12898 has been triggered, and the project cannot be converted to Exempt. To mitigate these impacts, the following measures have been proposed: [Insert a **brief** description of mitigative measures.]. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

*Noise Abatement and Control [24 CFR Part 51, Subpart B, 24 CFR 58.5(i)(1)]*

[Choose **one** of the five options below.]

The proposed project does not directly support the construction of a noise sensitive development. Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart B is not required.

**OR**

The proposed project directly supports the construction of a noise sensitive development and, based upon a review of the location of potentially major sources of noise, there are no civilian airports, military airfields, railroads, highways, or sites that produce loud impulsive sounds (e.g., certain Department of Defense installations) that will potentially impact the proposed project. Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart B is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports the construction of a noise sensitive development, and based upon a review of the location of potentially major sources of noise, there is/are [Insert **all** that apply: civilian airport, military airfield, railroads, highways, Department of Defense installation.] located near the proposed noise sensitive development. A noise assessment, which meets HUD Noise Assessment Guidelines, indicated that the noise levels at the noise sensitive development site are “acceptable” (65 DNL or less). Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart B is not required. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports the construction of a noise sensitive development, and based upon a review of the location of potentially major sources of noise, there is/are [Insert **all** that apply: civilian airport, military airfield, railroads, highways, Department of Defense installation.] located near the proposed noise sensitive development. A noise assessment, which meets HUD Noise Assessment Guidelines, indicated that the noise sensitive development site is exposed to “normally unacceptable” noise levels [Choose **one**: 65 to 70 DNL or 70 to 75 DNL]. Therefore, compliance with the 24 CFR Part 51, Subpart B has been triggered; the project cannot be converted to Exempt; and an Environmental Assessment must be completed for the project. Furthermore, all noise-sensitive uses must have a minimum of [Choose **one**: 5 dB of additional sound attenuation or 10 dB of additional sound attenuation.] in accordance with 24 CFR Part 51, Subpart B. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports the construction of a noise sensitive development and, based upon a review of the location of potentially major sources of noise, there is/are [Insert **all** that apply: civilian airport, military airfield, railroads, highways, Department of Defense installation.] located near the proposed noise sensitive development. A noise assessment, which meets HUD Noise Assessment Guidelines, indicated that noise sensitive development site is exposed to “unacceptable” noise levels (greater than 75 DNL). Therefore, compliance with the 24 CFR Part 51, Subpart B has been triggered; the project cannot be converted to Exempt; and an Environmental Impact Statement must be completed, unless the Certifying Officer provides a waiver in accordance with 24 CFR 51.104(b)(2). Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Explosive and Flammable Operations [24 CFR Part 51, Subpart C, 24 CFR 58.5(i)(1)]*

[Choose **one** of three options below.]

The proposed project does not directly support construction of an activity intended for residential, institutional, recreational, commercial or industrial use; rehabilitation/modernization that will increase the number of people using a building; or a rehabilitation/modernization that will make a vacant building habitable Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart C is not required.

**OR**

The proposed project directly supports construction of an activity intended for residential, institutional, recreational, commercial or industrial use; rehabilitation/modernization that will increase the number of people using a building; or a rehabilitation/modernization that will make a vacant building habitable. A thermal/explosive hazard analysis, which meets HUD Acceptable Separation Distance review guidelines, indicated that the supported project exceeds the acceptable separation distance of any 100+ gallon above ground storage tanks (ASTs) storing common liquid industrial fuels, or any capacity ASTs storing hazardous liquids or gases that are not common liquid industrial fuels. Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart C is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports construction of an activity intended for residential, institutional, recreational, commercial or industrial use; rehabilitation/modernization that will increase the number of people using a building, or a rehabilitation/modernization that will make a vacant building habitable A thermal/explosive hazard analysis, which meets HUD Acceptable Separation Distance review guidelines, indicated that the supported project is within the acceptable separation distance of a 100+ gallon above ground storage tank (AST) storing common liquid industrial fuels, or any capacity AST storing hazardous liquids or gases that are not common liquid industrial fuels. Therefore, compliance with the 24 CFR Part 51, Subpart C has been triggered and the project cannot be converted to Exempt. To mitigate the impact, the following measures shall be implemented: [**Briefly** describe the mitigative measures.]. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

*Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)(2)]*

[Choose **one** of eight options.]

The proposed project does not directly support rehabilitation or construction of an activity intended for residential, institutional, recreational, commercial or industrial use, and based upon a letter of finding made by [Insert the name of the local planning agency], the project site is not listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is not located within 3,000 feet of a toxic or solid waste landfill site; does not have an underground storage tank which is not a residential fuel tank; and is not known or suspected of being contaminated by toxic chemicals or radioactive materials. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project does not directly support rehabilitation or construction of an activity intended for residential, institutional, recreational, commercial or industrial use and based upon a letter of finding made by [Insert the name of the local planning agency], the project site is listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is located within 3,000 feet of a toxic or solid waste landfill site; has an underground storage tank which is not a residential fuel tank; or is known or suspected of being contaminated by toxic chemicals or radioactive materials. Based upon the findings of an ASTM Phase I Environmental Site Assessment, no Recognized Environmental Conditions are present in the project site, or based upon the findings of a Phase II Environmental Site Assessment, no hazardous substances, petroleum, or petroleum products are present, above actions levels, in the project site. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project does not directly support rehabilitation or construction of an activity intended for residential, institutional, recreational, commercial or industrial use, and based upon a letter of finding made by [Insert the name of the local planning agency], the project site is listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is located within 3,000 feet of a toxic or solid waste landfill site; has an underground storage tank which is not a residential fuel tank; or is known or suspected of being contaminated by toxic chemicals or radioactive materials. Based upon the findings of a Phase II Environmental Site Assessment, hazardous substances, petroleum, or petroleum products are present above action levels in the project site. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) has been triggered, and the project cannot be converted to Exempt. To mitigate the impact, the following measures shall be implemented: [**Briefly** describe the mitigative measures.]. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports a single family (1-4 unit) rehabilitation or construction activity, and based upon a letter of finding made by [Insert the name of the local planning agency], the project area is not listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is not located within 3,000 feet of a toxic or solid waste landfill site; does not have an underground storage tank which is not a residential fuel tank; and is not known or suspected of being contaminated by toxic chemicals or radioactive materials. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports a single family (1-4 unit) rehabilitation or construction activity, and based upon a letter of finding made by [Insert the name of the local planning agency], the project area is listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is located within 3,000 feet of a toxic or solid waste landfill site; has an underground storage tank which is not a residential fuel tank; or is known or suspected of being contaminated by toxic chemicals or radioactive materials. Based upon the findings of an ASTM Phase I Environmental Site Assessment, no Recognized Environmental Conditions are present in the project area, or based upon the findings of a Phase II Environmental Site Assessment, no hazardous substances, petroleum, or petroleum products are present, above actions levels, in the project area. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports a single family (1-4 unit) rehabilitation or construction activity, and based upon a letter of finding made by [Insert the name of the local planning agency], the project area is listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; is located within 3,000 feet of a toxic or solid waste landfill site; has an underground storage tank which is not a residential fuel tank; or is known or suspected of being contaminated by toxic chemicals or radioactive materials. Based upon the findings of a Phase II Environmental Site Assessment, hazardous substances, petroleum, or petroleum products are present above actions levels in the project area. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) has been triggered and the project cannot be converted to Exempt. To mitigate the impact, the following measures shall be implemented: [**Briefly** describe the mitigative measures.]. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports a multifamily (5 or more unit) or non-residential rehabilitation activity, and based upon the findings of an ASTM Phase I Environmental Site Assessment, no Recognized Environmental Conditions are present in the project area, or based upon the findings of a Phase II Environmental Site Assessment, no hazardous substances, petroleum, or petroleum products are present, above actions levels, in the project area. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

The proposed project directly supports a multifamily (5 or more unit) or non-residential rehabilitation activity and based upon the findings of a Phase II Environmental Site Assessment hazardous substances, petroleum, or petroleum products are present, above actions levels, in the project area. Therefore, further compliance with the requirements of 24 CFR 58.5(i)(2) has been triggered, and the project cannot be converted to Exempt. To mitigate the impact, the following measures shall be implemented: [**Briefly** describe the mitigative measures.]. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

*Airport Projection Zones/Clear Zones and Accident Potential Zones [24 CFR Part 51, Subpart D, 24 CFR 58.5(i)(1)]*

[Choose **one** of the three options below.]

Based upon a review of mapping and/or other appropriate documentation, it has been determined that the proposed project area is not located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway. Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart D is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of mapping and/or other appropriate documentation, it has been determined that the proposed project area is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway. The operator of the [Insert name of the appropriate civil airport or military airfield.] has stated that the project area is not located within a [Insert **one** of the two options: runway projection zone/clear zone for a civil airport **OR** runway projection zone/clear zone or accident potential zone for a military airfield.]. Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart D is not required. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

Based upon a review of mapping and/or other appropriate documentation, it has been determined that the proposed project area is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway. The operator of the [Insert name of the appropriate civil airport or military airfield.] has stated that the project area is located within a [Insert **one** of the two options: runway projection zone/clear zone at a civil airport **OR** runway projection zone/clear zone or accident potential zone at a military airfield.]. Therefore, further compliance with the requirements of 24 CFR Part 51, Subpart D is required, and the project cannot be converted to Exempt. The project does not directly support an activity to rehabilitate or construct a facility that will be frequently used or occupied by people, and for projects in runway projection zones/clear zones, the airport operator has provided written assurance to the effect that there are no plans to purchase the land involved with the project site ([Insert Record Number, if available.]); or for projects in accident potential zones the project has been found to be compatible with the Airport Instillation Compatibility Use Zone.. Supporting documentation is located in the Environmental Information Document on file with the Responsible Entity.

**24 CFR 58.6 AUTHORITIES**

*Coastal Barrier Resources Act/Coast Barrier Improvement Act of 1990 [24 CFR 58.6(c)]*

[Select **one** of two options below.]

The proposed project is located in a non-coastal county. Therefore, the statutes and regulations listed at 24 CFR 58.6(c) related to the Coastal Barrier Resources Improvement Act of 1990 do not apply. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

In accordance with the statutes and regulations listed at 24 CFR 58.6(c) related to the Coastal Barriers Resources Act, the proposed project is located in a coastal county but not located in a coastal barrier resources area. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

*Airport Projection Zones/Clear Zone Notifications [24 CFR 51.303(a)(3), 24 CFR 58.6(d)]*

[Choose **one** of the four options below.]

In accordance with the statutes and regulations listed at 24 CFR 58.6 related to Runway Clear Zones and Clear Zones disclosures, the above-described project does not involve the sale or acquisition of property. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

In accordance with the statutes and regulations listed at 24 CFR 58.6 related to Runway Clear Zones and Clear Zones disclosures, the above-described project involves the sale or acquisition of property and is not located within 3,000 feet of a civil airport or 2.5 miles of a military airfield. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

**OR**

In accordance with the statutes and regulations listed at 24 CFR 58.6 related to Runway Clear Zones and Clear Zones disclosure, the above-described project involves the sale or acquisition of property located within 3,000 feet of a civil airport or 2.5 miles of a military airfield but is not located within a civil airport’s Runway Clear Zone or a military installation’s Clear Zone. Supporting documentation related to this statement is located in the Environmental Information Document on file with the Responsible Entity.

OR

In accordance with the statutes and regulations listed at 24 CFR 58.6 related to Runway Clear Zones and Clear Zones disclosures, the above-described project involves the sale or acquisition of property located within 3,000 feet of a civil airport or 2.5 miles of a military airfield and is located within a civil airport’s Runway Clear Zone or military installation’s Clear Zone. As required, a disclosure statement has been supplied to the buyer, and a copy of the signed disclosure is located in the Environmental Information Document on file with the Responsible Entity.

[The appropriate certification language chosen from below must be included in **all** Categorical Exclusions. Note that for the first option to be utilized, **all** resource categories in the 24 CFR 58.5 Authorities section must be shown to be Exempt.]

I understand that since this project converts to Exempt per 24 CFR 58.34(a)(12), I will not have to submit a Request for Release of Funds (RROF), and no further approval from the Division is needed or the drawdown of funds.

**OR**

I understand that based upon the results of the environmental analysis, one or more of the states/authorities discussed above require consultation or mitigation. These consultation and/or mitigation requirements have been completed, and a Notice of Intent to Request for Release of Funds will be published. Additionally, I will obtain the Authority to Use Grant Funds (HUD 7015.6) per §§58.70 and 58.71 before I draw down funds.

[The language below must be included for **all** Categorical Exclusions.]

I certify that the activity or project above is Categorically Excluded (subject to 24 CFR 58.5) and meets the conditions specified for such determination under 24 CFR 58.35(a). I will keep a copy of this determination and the Environmental Information Document in the project files of the Responsible Entity.

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Enter name of Certifying Officer under signature.] [Date]

[Enter title of Certifying Officer.]

**[Note: An 8.5” x 11” project location map (e.g., the project location map required in the ER/EID] must be provided as an attachment to this document.]**

1. † Project area is the broad area that may include the project construction site, any functionally dependent activity, and any additional regulatory area. Project site is where the actual construction of the infrastructure occurs. [↑](#footnote-ref-1)
2. † Project area is the broad area that may include the project construction site, any functionally dependent activity, and any additional regulatory area. Project site is where the actual construction of the infrastructure occurs. [↑](#footnote-ref-2)
3. ‡ Note that neither sewer nor water lines may be constructed in floodways or coastal high hazard areas, as they are not functionally dependent uses [see 24 CFR 55.1(c)]. [↑](#footnote-ref-3)
4. † Project area is the broad area that may include the project construction site, any functionally dependent activity, and any additional regulatory area. [↑](#footnote-ref-4)
5. † Project area is the broad area that may include the project construction site, any functionally dependent activity, and any additional regulatory area. [↑](#footnote-ref-5)
6. ⃰ New construction, as defined in Executive Order 11990, includes draining and other actions in wetlands, thus some actions not covered under the Clean Water Act must be addressed. [↑](#footnote-ref-6)
7. † Project area is the broad area that may include the project construction site, any functionally dependent activity, and any additional regulatory area. [↑](#footnote-ref-7)
8. ⃰ New construction, as defined in Executive Order 11990, includes draining and other actions in wetlands, thus some actions not covered under the Clean Water Act must be addressed. [↑](#footnote-ref-8)
9. In accordance with 7 CFR 658.2(a), farmland already in urban development includes lands identified as “urbanized area” on the Census Bureau Map, or as urban area mapped with “tint overprint” on the USGS topographical map maps, or as “urban-built-up” on the USDA Important Farmland Maps. [↑](#footnote-ref-9)