

## EXHIBIT 2-C

### Statutory Checklist

Checklist of Applicable Statutes and Regulations

**Project Local Government and Contract Number:** \_\_\_\_\_

**Are all activities of this project exempt from NEPA procedures?** Yes \_\_\_ No \_\_\_  
 (If yes, this Statutory Checklist need not be filled out.)

**Are activities of this project categorically excluded from NEPA procedures?** Yes \_\_\_ No \_\_\_  
 (If yes, this Statutory Checklist and all required actions must be completed.)

Precise citations for the applicable statutes and regulations in the 13 areas below are printed on pages 2-C.2 and following. See Pages 2-19 and following of Chapter 2 for additional explanation of the Statutory Checklist.

Area Of Statutory-Regulatory Compliance								
<i>Column Codes are explained on page 2-C-2.</i>	NA	CR	RR (*)	PR (*)	DOC/ APO	CMA R(*)	(*) = Attach evidence that required actions have been taken.	
							Note Compliance Documentation	
1. Historic Properties								
2. Floodplain Management								
3. Wetlands Protection								
4. Noise								
5. Air Quality								
6. Man-made Hazards								
Lead-based Paint								
Asbestos								
Thermal/Explosive Hazards								
Airport Clear Zones								
7. Water Quality								
Surface Water/Water Quality								
Groundwater & Aquifers <sup>1</sup>								
8. Solid Waste Disposal								
9. Farmlands Protection								
10. Wild & Scenic Rivers								
11. Endangered Species, Fish & Wildlife								
12. Environmental Justice (E.O. 12898)								
13. State or Local Statutes								

<sup>1</sup>Including the Missoula Sole Source Aquifer; contact DOC for further information regarding Missoula area projects.

First-time Home Buyer Projects will need to complete the site specific environmental review checklist found on pages 6 and 7 of this Exhibit prior to providing funding to assist in each home purchase.

**Codes used in the columns in the Statutory Checklist on page 2-C-1:**

**NA**: Not applicable to this project.

**CR**: Consultation required.

**RR (\*)**: Review required.

**PR**: Permits required.

**DOC/APO**: Determination of consistency. Approvals, permits obtained.

**CMAR (\*)**: Conditions and/or mitigation actions required.

***(\*)Attach evidence that required actions have been taken.***

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**INDEX OF APPLICABLE FEDERAL STATUTES AND REGULATIONS INCLUDED IN THE HUD STATUTORY CHECKLIST AND COMPLIANCE CERTIFICATION**

**1. Historic Properties**

- a. National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.) particularly sections 106 and 100 (216 U.S.C. 470 and 470h-2).
- b. Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp.
- c. Federal historic preservation regulations:
  - (1) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG); and
  - (2) 36 CFR part 801 with respect to UDAG
- d. The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. et seq.)

**2. Floodplain**

- a. Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR. 1977 Comp, as interpreted in HUD regulations at (24 CFR Part 55.
- b. Executive Order 11990 Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., and Applicable State Legislation or Regulations.

**3. Coastal Zone Management**

The Coastal Zone Management Act of 1972

**4. Noise**

HUD Regulations 24 CFR Part 51, Subpart B, (7/12/79).

**5. Air Quality**

Clean Air Act of 1970 as Amended (42 U.S.C. 7401-7642), EPA Regulation 40 CFR Part 50, and Partially 40 CFR Part 51, 52, 61.

**6. Man-made Hazards**

- a. HUD Regulation 24 CFR Part 51, Subpart C, (2/10/84) Hazardous Facilities.
- b. Also 24 CFR Part 51, Subpart D, (1/6/84) Airport Runway Clear Zones.

**7. Water Quality**

- a. Federal Water Pollution Control Act, as Amended (33 U.S.C. 1251-1376).
- b. Safe Drinking Water Act of 1974 (42 U.S.C. 300f-300j-10), as Amended.
- c. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 100-149.
- d. Missoula, Montana Sole Source Aquifer, in accordance with Section 1424 (e) of the Safe Drinking Water Act, 42 U.S.C.A. Section 300h-3 (1982).

**8. Solid Waste Disposal**

- a. Solid Waste Disposal Act as Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987).
- b. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 240-265.

**9. Farmlands**

- a. Farmland Protection Policy Act of 1981 (U.S.C. 4201 et. seq).
- b. U.S. Department of Agriculture implementing regulations (7 CFR Part 658).

**10. Wild and Scenic Rivers Act of 1968**

16 U.S.C. 1271 et. seq., as amended: particularly sections 7(b) and 7(c), and 16 U.S.C. 1278 (b) and (c).

**Note:** In Montana, this act applies to the North Fork of the Flathead River from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir; and, the Missouri River consisting of the segment from Fort Benton, one hundred and forty-nine miles downstream to Fred Robinson Bridge.

**11. Endangered Species, Fish and Wildlife**

- a. Endangered Species Act of 1973 as Amended (**16 U.S.C. 1531-1543**).
- b. Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).

**12. Environmental Justice**

Executive Order 12898 -- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. P. 859. (24 CFR Part 58.5, April 30, 1996)

**13. Lead-based Paint**

HUD Lead-based Paint Standards (24 CFR Part 35) and Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act that appear within Title X of the Housing and Community Development Act of 1992.

**14. Asbestos**

OSHA's asbestos standard (29 CFR 1926.1101) and EPA asbestos sections of NESHAP (National Emission Standard for Hazardous Air Pollutants), administered by Montana Department of Environmental Quality's Asbestos Control Program

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**CERTIFICATION**

I certify that the findings on the preceding Community Development Block Grant Statutory Checklist accurately reflect the status of compliance with applicable laws and regulations for the proposed CDBG project.

\_\_\_\_\_  
Type Name and Title of  
Environmental Certifying Officer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date