



U.S. Department of Housing and Urban Development

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www.hud.gov

espanol.hud.gov

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

This is a suggested format that may be used by Responsible Entities to document completion of a Categorically Excluded Subject to Section 58.5 environmental review.

Project Information

Project Name: INSERT PROJECT NAME

Responsible Entity: CDBG – MUST BE LOCAL GOVERNMENT APPLICANT
HOME – CONTACT COMMERCE STAFF TO DETERMINE

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer: WHOEVER COMPLETES THE ASSESSMENT

Certifying Officer Name and Title: WHO FROM RE WILL SIGN FINAL DOCUMENT

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable):

Direct Comments to: SHOULD BE RE, PREPARER, OR CONSULTANT

Project Location: STREET ADDRESS OR PARCEL NUMBER/LEGAL DESCRIPTION IF ADDRESS NOT YET ASSIGNED

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

DESCRIBE THE PROJECT IN AS MUCH DETAIL AS POSSIBLE. INCLUDE ALL THE STEPS INVOLVED FROM START TO FINISH. BE SURE TO INCLUDE ALL FEDERALLY-FUNDED ACTIVITIES, AND ANY ASSOCIATED ACTIONS.

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	HUD Program	Funding Amount
	CDBG	AS APPLICABLE
	HOME	AS APPLICABLE
	HTF	AS APPLICABLE

Estimated Total HUD Funded Amount: ANY FEDERAL FUNDING SOURCES

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

TOTAL PROJECT COST

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.

YOU MUST JUSTIFY EACH THE DETERMINATION IN EACH SECTION AND PROVIDE SUPPORTING DOCUMENTATION. IT IS NOT ENOUGH TO SIMPLY SAY NO MITIGATION OR FORMAL COMPLIANCE IS REQUIRED. MANY AGENCIES HAVE PROVIDED AN EASY WAY TO OBTAIN THE NECESSARY DOCUMENTATION WHICH HAS BEEN INCLUDED IN EACH SECTION. HUD ALSO HAS PARTNER WORKSHEETS THAT ASK A SERIES OF BASIC QUESTIONS TO HELP YOU REACH A DETERMINATION. PARTNER WORKSHEETS ARE AVAILABLE AT:
[https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations#relatedl
awsandauthorities](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations#relatedlawsandauthorities)

ADDITIONAL INFORMATION IS AVAILABLE HERE:

[https://www.hudexchange.info/programs/environmental-review/environmental-
assessment/resources/](https://www.hudexchange.info/programs/environmental-review/environmental-assessment/resources/)

IF PROJECT TIMING IS A CONCERN, START WITH THE HISTORIC PRESERVATION SECTION, FOLLOWED BY FLOODPLAIN MANAGMENT. IF NOT CLEARED IMMEDIATELY, THESE SECTIONS CAN BE TIME CONSUMING AND OTHER SECTIONS CAN BE CLEARED DURING THE PROCESS.

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 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	Provide a map showing distance between the project site and the closest runway. If the project site is within 15,000 feet of military airport or 2,500 feet of civilian airport, determine if the project is in the Runway Clear Zone (RCZ), Runway Protection Zone (RPZ), military airfield Clear Zone (CZ), or Accident Potential Zone (APZ). For most airports, this information can be found at http://www.airnav.com/airports/ , but you may need to contact the airport directly to determine these boundaries. If the project is located within any of these zones, it may not be eligible for federal funds.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input type="checkbox"/>	Montana is not subject to these requirements as it has no Coastal Barrier Resource System (CBRS) units. Be sure to explain this and document with a map.
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 <input type="checkbox"/> <input type="checkbox"/>	Obtain a copy of the FEMA floodplain map here - https://msc.fema.gov/portal/home . If the project is located inside a floodplain, but does not involve mortgage insurance, acquisition, rehabilitation, or new construction of a building, the project is not required to carry flood insurance. If the site is located within a designated flood hazard area, use the HUD Partner Worksheet to determine compliance requirements for all other types of projects.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		

<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>If the project does not involve new construction, residential projects of 5+ units, and projects that change land use to facilitate development of public facilities, it can be assumed that de minimis levels are not exceeded and the project is in compliance. All other projects should use the EPA Green Book system to determine and document the air quality compliance status of the project's county - https://www.epa.gov/green-book/green-book-national-area-and-county-level-multi-pollutant-information. <u>If the project's county is in full attainment status for all criteria pollutants, the project is in compliance with the Clean Air Act.</u> If not, use HUD's Air Quality guidance to estimate the emissions levels for your project. If de minimis levels are exceeded, the project will require mitigation.</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>Montana is not subject to these requirements as it does not have a designated coastal zone. Be sure to explain this and document with a map.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>All multifamily residential and non-residential projects are required to complete a Phase 1 ESA, and possibly a Phase II ESA. Single-family residential projects are not required to complete a Phase 1 ESA, but it is strongly recommended. Include a copy of the Phase I and Phase II as applicable to document compliance. You can also contact the EPA Region 8 and DEQ for information on Superfund sites and other potential sources of contamination in the area.</p> <p>Even if the project site does not have any contamination, you must investigate the surrounding properties as well. Be sure to investigate any current or former gas stations, dry cleaners, landfills, junkyards, auto repair shops nearby. If any source of potential or actual contamination is identified, it must be mitigated. Establish a plan to remediate and include this in the environmental assessment.</p>

<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>No consultation is needed for projects that obviously will not disturb any endangered species or critical habitat, including projects with no ground disturbance and rehabilitation that does not increase the building footprint.</p> <p>Use the US Fish and Wildlife Information for Planning and Consultation (IPaC) website to obtain a list of endangered or threatened species and critical habitat that might be impacted by the project. Include the report generated by IPaC as documentation. If any endangered species or critical habitat are noted, you may need to contact USFWS for further consultation. Access the IPaC website here - https://ipac.ecosphere.fws.gov/</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>This applies to projects involving development, construction, rehab that increases residential density, or conversion. Include a map that shows any above-ground fuel storage tanks within one mile of the project site. This does not include residential propane tanks of less than 1,000 gallons that comply with the National Fire Protection Association (NFPA) Code 58, version 2017. The local Fire Marshall can be contacted for information on existing fuel storage tanks and their contents. If any are present, each one will need to be investigated to determine the size, contents, and the Acceptable Separation Distance (ASD). Use the HUD ASD Assessment Tool here - https://www.hudexchange.info/programs/environmental-review/asd-calculator/. Also include a copy of the results for each tank within one mile of the project site.</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>Zoning designations for non-agricultural use do not exempt a project from this section. Does your project include any activities, including new construction, acquisition of undeveloped land, or conversion, that could potentially convert one land use to another? If no, the project is in compliance, and you'll need to state this as your explanation. If yes,</p>

		<p>use the USDA Web Soil Survey to generate a report of any important soil characteristics on the project site (https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm). If the project site includes 'Important Farmland' or 'Farmland of Statewide or Local Importance', further consultation with the USDA NRCS is required.</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>Obtain a copy of the FEMA floodplain map here - https://msc.fema.gov/portal/home. Provide a copy of the map to document compliance, noting the Flood Insurance Rate Map (FIRM) number and the date on the map in your explanation. If FEMA has not published a map for the area, use the best available data from the City/County Engineer and Montana DNRC. It may be possible to mitigate some projects within the 100- or 500-year floodplains depending on the situation. If the project is required to go through the 8-step process, it is highly recommended that a consultant be acquired to facilitate.</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>Section 106 consultation is required for any project involving ground disturbance, or a building more than 50 years old. Begin by requesting a file search from Montana's State Historic Preservation Office (SHPO). SHPO must be given at least 30 days to respond. Proceed based on the results of the file search. HUD provides template letters to initiate consultation with both SHPO and the applicable Tribes.</p> <p>Tribal consultation can only be initiated by a unit of local government. Tribes must be given at least 30 days to respond. Use HUD's partner worksheet and the When to Consult with Tribes Under Section 106 Checklist to determine when to consult - https://www.hudexchange.info/resource/3770/when-to-consult-with-tribes-under-section-106-checklist/. Use HUD's Tribal Directory Assessment Tool (TDAT) to determine which tribes should be contact -</p>

		https://egis.hud.gov/TDAT/ . Be sure to verify that the tribal contact information is accurate before initiating consultation.
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 <input type="checkbox"/> <input type="checkbox"/>	For rehab projects, if there are standard noise attenuation measures already in place, like double-paned windows and extra insulation, this section is already in compliance. For all other projects, or if there are no standard measures, provide a map that shows the distance between the project site and the closest railroad, major road, and airport. If the project is located within 3,000 feet of a railroad, 1,000 feet of a major road, or 15 miles of an FAA-regulated airport, you will need to complete a noise assessment. General aviation airports with less than 9,000 airport operations each year do not present a noise concern. Use HUD's Day/Night Noise Level (DNL) Calculator and provide a copy of the results to document compliance - https://www.hudexchange.info/programs/environmental-review/dnl-calculator/ . You may need to contact MDOT, the airport, and/or the railroad to complete this calculation. A mitigation plan is necessary for any finding over 65 decibels.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input type="checkbox"/>	Use the EPA's Sole Source Aquifer map tool to locate any aquifers under the project site - https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b . Include a copy of this map to document compliance.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input type="checkbox"/>	This applies to projects that include new construction, expansion of an existing building footprint, and/or ground disturbance. Use the US Fish and Wildlife National Wetlands Inventory map system to identify any wetlands located on the project site - https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/ . Provide a copy of the results to document compliance. If there are wetlands present, you may be required to consult with the Army Corps of Engineers

		and complete the 8-step process to mitigate impact to wetlands. It is highly recommended that a consultant be acquired to facilitate the 8-step process.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input type="checkbox"/>	Use the US National Park Service Nationwide Rivers Inventory system to identify any Wild and Scenic Rivers within 1,000 feet of the project site - https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm . Provide a copy of the results to document compliance. If a project is within 1,000 feet, you will either need to prove it will not directly or indirectly alter the characteristics of the river or consult with the managing agency to mitigate any impacts.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input type="checkbox"/>	Document whether there would be a disproportionately high impact to low/moderate-income households. Highlight the benefit of the project to these populations including any relevant demographic data and deed restrictions that will be in place. Use the EPA's EJScreen Tool to provide additional documentation - https://www.epa.gov/ejscreen .

Field Inspection (Date and completed by): **SHOULD BE COMPLETED BY GRANTEE, SUBRECIPIENT, ENGINEER, OR ARCHITECT. THERE IS NO SPECIFIC FORM REQUIRED FOR THIS.**

Summary of Findings and Conclusions: **SUMMARIZE THE FINDINGS DISCOVERED AS PART OF THIS REVIEW.**

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.

IF MITIGATION IS REQUIRED FOR ANY SECTION OF THE REVIEW, IDENTIFY THIS AND INCLUDE A MITIGATION PLAN THAT THOROUGHLY ADDRESSES THE IMPACTS IDENTIFIED.

Law, Authority, or Factor	Mitigation Measure

Determination:

- ☐ This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
*CHECK THIS BOX IF THERE ARE NO IMPACTS IDENTIFIED. SUBMIT THIS FORM AND ALL SUPPORTING DOCUMENTATION TO COMMERCE FOR REVIEW AND APPROVAL.
- ☐ This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. 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
*CHECK THIS BOX IF THERE ARE IMPACTS IDENTIFIED AND MITIGATION IS NECESSARY FOR ANY PART OF THIS REVIEW. SUBMIT THIS FORM AND ALL SUPPORTING DOCUMENTATION TO COMMERCE FOR REVIEW AND APPROVAL. YOU WILL NEED TO COMPLETE THE REQUIRED HUD PUBLIC NOTICING PROCESS BEFORE THE ENVIRONMENTAL REVIEW IS COMPLETE. CONTACT COMMERCE FOR MORE INFORMATION ON THESE NEXT STEPS.
- ☐ This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).
*CHECK THIS BOX IF THERE ARE IMPACTS IDENTIFIED THAT CANNOT BE MITIGATED. CONTACT COMMERCE BEFORE PROCEEDING.

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).