**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** (if different than Responsible Entity):

**State/Local Identifier**:

**Preparer** (must be someone from Responsible Entity)**:**

**Certifying Officer Name/Title** (must be someone from Responsible Entity)**:**

**Consultant or Grant Administrator** (if applicable):

**Direct Comments to:**

**Project Location:**

**Description of the Proposed Project *(include all contemplated actions, regardless of funding source)*** [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 (check below):

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when 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% (e.g. replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets)

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and disabled persons.

(3) Rehabilitation of buildings and improvements when the following conditions are met:

1. In the case of a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;
2. In the case of multi-family residential buildings:
3. Unit density is not changed more than 20%:
4. The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation.
5. The project does not involve changes in land use from residential to nonresidential and;

(iii) In the case of non-residential structures, including commercial, industrial, and public buildings:

1. The facilities and improvements are in place and will not be changed in size or capacity by more than 20%; and
2. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, of from one industrial use to another.

(4) An individual action on a one-to-four family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.

(5) Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.

(6) Combinations of the above activities.

**Funding Information**

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| --- | --- | --- |
| **Grant Number** | **HUD Program** | **Funding Amount** |
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|  |  |  |

**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.

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| --- | --- | --- |
| **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 |  |
| **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 |  |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5** | | |
| **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 Orders 12898 and 13985 | Yes No |  |

**Field Inspection *(date and completed by)*:**

**Summary of Findings and Conclusions *(discuss whether the review indicated the preferred alternative will have an adverse impact on the environment and how it will impact the end users)*:**

**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.

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| --- | --- |
| Law, Authority, or Factor | Mitigation Measure |
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**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 “Notice of Removal of Environmental Conditions”** 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)).

Consultant/Grant Administrator Signature (if applicable):

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Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Preparer Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_

Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Responsible Entity Agency Official Signature (Certifying Officer):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_

Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A copy of the complete Environmental Review must be submitted to the South Carolina Department of Commerce/State CDBG Program. 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).