

EXHIBIT 2-G.1

Based on HUD Region VIII ERR GUIDE #3 – Version: 03/10 ENVIRONMENTAL REVIEW RECORD

Documentation of a Categorical Exclusion for Projects/Activities Found at 24 CFR §58.35(a), Which Are Subject to the Federal Laws and Authorities Found at 24 CFR §58.5 and Other Requirements found at 24 CFR §58.6

(Notes: For a fillable form with boxes that will expand to accommodate information, see the Word version. See Exhibit 2-G.2 for additional instructions and guidance.)

1. Project/Activity:

Project Name and Description:

MDOC HOME Program Grant Number:

(Use the questions below to classify the proposed project/activity in compliance with HUD regulations found at 24 CFR §58.35(a).)

*(Use this checklist **only** for HUD projects/activities determined Categorical Excluded pursuant to HUD regulations found at 24 CFR §58.35(a).)*

*(24 CFR §58.32 discusses that a responsible entity must group together and evaluate **as a single project** all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. This is termed, “project aggregation”, and its purpose is to address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected, and closely related, or that are dependent upon other activities and actions. When attempting to classify projects/activities as categorically excluded, environmental reviewers should be cautious that the provisions of 24 CFR §58.32 should be considered and the end result may be the required type of environmental review should actually be the preparation of an environmental assessment pursuant to 24 CFR §58.36 and Subpart E.)*

(Complete all parts of this document for all 24 CFR §58.35(a) projects and activities.)

2. Classification of Project/Activity:

24 CFR §58.35(a)(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 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets)
(Not eligible under MDOC HOME Program)

24 CFR §58.35(a)(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons
(Not eligible as “stand-alone activity under MDOC HOME Program; consultation with MDOC HOME Program required)

24 CFR §58.35(a)(3) Rehabilitation of buildings and improvements when the following conditions are met:

1 to 4 unit building for residential use, when density is not increased beyond 4 units; land use is not changed; and the footprint of the building is not increased in a floodplain or in a wetland area

Multifamily residential buildings, when:

- Unit density is not changed more than 20 percent; **and**
- The project does not involve changes in land use from residential to non-residential; **and**
- The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation

Non-residential structures, including commercial, industrial, and public buildings, when:

- Facilities and improvement are in place and will not be changed in size or capacity by more than 20 percent; **and**
- The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another

24 CFR §58.35(a)(4)

An individual action (non-rehabilitation) on up to 4 dwelling units where there are maximum 4 units on any one site. The units can be 4 one-unit buildings or 1 four-unit building or any combination in between

An individual action (non-rehabilitation) on a project of 5 or more housing units developed on scattered sites when the sites are more than 2,000 feet apart **and** there are not more than 4 housing units on any one site

24 CFR §58.35(a)(5)

Acquisition (including leasing) or disposition of, or equity loans on, an existing structure

Acquisition (including leasing) of vacant land provided the structure or land acquired, financed, or disposed of will be retained for the same use

24 CFR §58.35(a)(6) Combinations of the above activities

3. Statutory Checklist (ref.: 24 CFR §58.5 – Related Federal laws and authorities)

24 CFR PART 58.5 STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

See Exhibit 2-G.2 for Instructions for completing this form

DIRECTIONS:

- Write “**A**” in the Status Column when the project, by its nature, **does not** affect the resources under consideration; OR
- Write “**B**” if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see the attached “Statutory Checklist Instructions”). Compliance documentation must contain verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as needed.

Compliance Factors (Statutes, Executive Orders, and regulations listed at 24 CFR §58.5)	Status <i>specify</i> A or B	Compliance Finding and Documentation (Boxes will expand to accommodate information)
Historic Properties <ul style="list-style-type: none"> ▪ 36 CFR Part 800 regulations ▪ National Historic Preservation Act of 1966 ▪ Executive Order 11593, Protection and Enhancement of the Cultural Environment 		
Floodplain Management <ul style="list-style-type: none"> ▪ Executive Order 11988 ▪ 24 CFR Part 55 regulations 		
Wetland Protection <ul style="list-style-type: none"> ▪ Executive Order 11990 		
Sole Source Aquifers <ul style="list-style-type: none"> ▪ Safe Drinking Water Act of 1974 ▪ 40 CFR Part 149 regulations 		
Wild and Scenic Rivers <ul style="list-style-type: none"> ▪ Wild and Scenic Rivers Act of 1968 		
Coastal Zone Management <ul style="list-style-type: none"> ▪ Coastal Zone Management Act of 1972 	A	Not applicable for the States of CO, MT, ND, NE, SD, UT, & WY
Endangered Species <ul style="list-style-type: none"> ▪ Endangered Species Act of 1973 		
Air Quality <ul style="list-style-type: none"> ▪ Clean Air Act of 1970 ▪ 40 CFR Parts 6, 51, & 93 regulations 		
Farmland Protection Policy Act <ul style="list-style-type: none"> ▪ Farmland Protection Policy act of 1981 ▪ 7 CFR Part 658 regulations 		
Environmental Justice <ul style="list-style-type: none"> ▪ Executive Order 12898 		

Compliance Factors (Statutes, Executive Orders, and regulations listed at 24 CFR §58.5)	Status <i>specify</i> A or B	Compliance Finding and Documentation (Boxes will expand to accommodate information)
HUD ENVIRONMENTAL STANDARDS		
Noise Abatement and Control ▪ 24 CFR Part 51 Subpart B regulations		
Explosive and Flammable Operations ▪ 24 CFR Part 51 Subpart C regulations		
Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances ▪ 24 CFR Part 58.5(i)(2)(i) regulation		
Airport Clear Zones and Accident Potential Zones ▪ 24 CFR Part 51 Subpart D regulations		

DETERMINATION:

- This project converts to *Exempt* status**, per 24 CFR §58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes, executive orders, or regulations, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities). **Funds may be drawn down** for this (now) EXEMPT project *upon receipt of concurrence letter from Montana Department of Commerce*; **OR**
- This project cannot convert to *Exempt* status** because one or more of the listed statutes, executive orders, or regulations require(s) consultation or mitigation. Environmental consultation/mitigation requirements, pursuant to 24 CFR Part 58 must be completed/determined to the point of reaching closure. A Notice of Intent to Request a Release of Funds must be published with its associated public comment periods pursuant to 24 CFR §58.45 and Subpart H in coordination with HUD/State government (as applicable). Form HUD 7015.15, "*Request for Release of Funds and Certification*", must be properly executed pursuant to 24 CFR Part 58, Subpart H and forwarded to HUD/State government (as applicable). Appropriate authority to use grant funds must be obtained from HUD/State government (as applicable) before drawing down funds; **OR**
- The unusual circumstances of this project may result in a significant environmental impact.** This project requires preparation of an Environmental Assessment (EA). An EA should be prepared pursuant to 24 CFR Part 58, Subpart E
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4. Regulatory Checklist (ref.: 24 CFR §58.6 – Other requirements):

24 CFR §58.6(a) Flood Disaster Protection Act of 1973, as amended

(NOTE: Applicable only when project/activity site is located in a community participating in the National Flood Insurance Program, administered by the Federal Emergency Management Agency.)

Is the project/activity located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

Yes No

FEMA Map Number: _____

If “Yes”, and the HOME-funded project/activity is Rental Housing, flood insurance must be obtained through the National Flood Insurance Program.

Insurance Policy Number: _____

24 CFR §58.6(b) National Flood Insurance Reform Act of 1994, Section 582, (42 USC 5154a)

(NOTE: Applicable only when the project site is located in an area where HUD disaster assistance is being made available.)

Is the project/activity located within a Special Flood Hazard Area (SFHA) as mapped by the Federal Emergency Management Agency (FEMA)?

Yes No

FEMA Map Number: _____

If “Yes”, would the HUD disaster assistance be made to a person who had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance and that person failed to obtain and maintain the flood insurance?

Yes No

If “Yes”, the HUD disaster assistance cannot be made to that person in the Special Flood Hazard Area to make a payment (including any loan assistance payment) for repair, replacement, or restoration for flood damage to any personal, residential, or commercial property.

Insurance Policy Number: _____

N/A 24 CFR §58.6(c) Coastal Barrier Improvement Act of 1990, as amended

(NOTE: Not applicable in the HUD Region VIII area. There are no coastal barriers identified in HUD Region VIII and in HUD Office of Native Americans, Northern Plains, States of CO, MT, NE, ND, SD, UT, and WY.)

24 CFR §58.6(d) Civilian Airport Runway Clear Zone and/or Military Airport Clear Zone

(NOTE: Applicable only if the project/activity involves HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D.)

Does the project involve *HUD assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone pursuant to 24 CFR Part 51, Subpart D?*

Yes

No

Source documentation _____

If **Yes**, the buyer must be advised that the property is in a runway clear zone or military airport clear zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. For the appropriate content, go to:

<http://www.hud.gov/offices/cpd/environment/review/qa/airporthazards.pdf>.

NOTE: Projects/activities in runway clear zone or military airport clear zone will NOT be funded by the Montana HOME Program.

Environmental Review Preparer's Information:

Environmental Preparer's name, title, and organization (printed or typed)

Environmental Preparer's signature

Date

Responsible Entity, Representative's Information/Certification:

Bruce Brensdaal, Administrator, Housing Division, Montana Department of Commerce

Responsible Entity Representative's name, title, and organization (printed or typed)

Responsible Entity Representative's signature

Date