



# STATUTORY CHECKLIST

Use this worksheet for projects that are Categorically Excluded under 24 CFR §58.35(a).

**PROJECT NAME and DESCRIPTION** - Include all contemplated actions which logically are either geographically or functionally part of the project:

**Capital Fund Program**

Scattered site housing located within Lincoln's city limits. Funding provided for administration costs and fees which are exempt activities; and rehabilitation improvements as identified below:

**Replace furnaces – Hall, Larson, Pedersen**  
**Replace bathroom exhaust fans – F39**  
**Concrete – Hall, Hansen, Larson, Pedersen, F39, A12**  
**Repair foundations – F39**

**Replace decks – Hall, A12**  
**Replace bathroom windows – Pedersen**  
**Replace screen doors - Pedersen**

This project is determined to be categorically excluded according to: [Cite section(s)] 24 CFR 58.35(a)(3)

**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 Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

**Compliance Factors:**

Statutes, Executive Orders, and Regulations listed at 24 CFR '58.5

Status  
A/B

Compliance Documentation

<p><b>1. Air Quality</b> [Clean Air Act - Sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</p>	<p>A</p>	<p>There are no areas designated as non-attainment in the city of Lincoln, Nebraska. The project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities or five or more dwelling units.</p>
<p><b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p>A</p>	<p>The project locations are more than 2,500 feet from a civilian airport and does not involve acquisition for new construction, change in land use, rehabilitation where unit density will be increased, major (substantial) rehabilitation, or new construction.</p>
<p><b>3. Coastal Zone Management</b> [Coastal Zone Management Act Sections 307(c) &amp; (d)]</p>	<p>A</p>	<p>No coastal zone management programs exist in the states of HUD Region VII, as established by National Oceanic &amp; Atmospheric Administration, Office for Coastal Management.</p>
<p><b>4. Contamination and Toxic Substances</b> [24 CFR 58.5(i)(2)]</p>	<p>A</p>	<p>The project sites are not on the Superfund National Priorities list. Brownfield sites were identified within 1 mile of several locations, but will not be adversely affected due to the nature of the activities. None of locations are facilities being tracked for hazardous waste.</p>
<p><b>5. Endangered Species</b> [50 CFR 402]</p>	<p>A</p>	<p>Rehabilitation activities are unlikely to negatively impact any listed species or their designated critical habitat.</p>
<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p>A</p>	<p>The proposed sites are suitable for the proposed use and will NOT be adversely impacted by adverse environmental conditions.</p>

<b>7. Explosive and Flammable Operations</b> [24 CFR 51C]	A	Project does not involve conversion of land use from non-residential to residential use, new construction, rehabilitation where unit density will be increased, or vacant buildings being made habitable.
<b>8. Farmland Protection</b> [7 CFR 658]	A	The project sites are existing housing units within an urban area.
<b>9. Floodplain Management</b> [24 CFR 55, Executive Order 11988]	A	Project activities include rehabilitation of existing residential housing units; however, work does not exceed 50% of the pre-rehabilitation value of the houses and unit density will not be increased. The floodplain management regulation does not apply.
<b>10. Historic Preservation</b> [36 CFR Part 800]	B	Properties in the Hall, Hansen, Larson and Pederson groupings are not on the National Register of Historic Places and are less than 50 years old. Per the Programmatic Agreement dated May 10, 2010, no further review is required. The proposed actions will not have an adverse effect on properties in the A12 and F39 groupings.
<b>11. Noise Control</b> [24 CFR 51B]	A	The project does not involve acquisition for residential use, conversion of land use from non-residential to residential, or new construction.
<b>12. Water Quality (Sole Source Aquifers)</b> [40 CFR 149]	A	No sole source aquifers exist in the states of HUD Region VII, as established by the Environmental Protection Agency, Office of Source Water Protection.
<b>13. Wetland Protection</b> [24 CFR 55, Executive Order 11990]	A	The project does not involve acquisition of undeveloped land, change in land use, or new construction.
<b>14. Wild and Scenic Rivers Act</b> [36 CFR 297]	A	There are no Wild and Scenic Rivers within one mile of the city limits of Lincoln, Nebraska.

**DETERMINATION:**

- ( ) This 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 (Status "A" has been determined in the status column for all authorities); **Funds may be drawn down** for this (now) EXEMPT project; OR
- ( X ) This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 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). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE: Ronald L Cane DATE: 6/1/2020

PREPARER NAME: Ronald L. Cane, Accountant

Lincoln Housing Authority's Capital Fund Program (Grant #NE26P002501-17) is to be funded under a renewal grant, and based upon information provided to the City of Lincoln by Lincoln Housing Authority, the City of Lincoln has reviewed the subject properties for compliance with the provisions of 24 CFR Part 58. The City of Lincoln has determined, per the provisions of 58.47, that the original determination made remains valid. Accordingly, the subject activities are categorically excluded, subject to related environmental authorities, per the supplemental assistance provisions of 58.35(b)(7). In the event project activities are altered, Lincoln Housing Authority shall notify the City of Lincoln so that the proposed changes can be evaluated for compliance with HUD's environmental regulation.