**Environmental Review for Tribal Project Based Rental Assistance that is Categorically Excluded Subject to Section 58.5**

**Pursuant to 24 CFR 58.35(a)(5)**

This is a suggested format that may be used by Tribes to document completion of a Project Based Rental Assistance Limited Scope Review.

This Tribal Project Based Rental Assistance Limited Scope Review Format is to be used **only** for project-based leasing or project-based rental assistance activities without any associated repairs, rehabilitation, new construction, or other activities with physical impacts

Certain fields have been completed already based on the specifics of these program activities. It is the Tribe’s responsibility to ensure that all required fields (those marked with an asterisk) and analysis are completed. For instructions on completing this form, see

INSERT LINK HERE FOR INSTRUCTIONS

**Project Information**

**\*Project Name:**

**\*Responsible Entity:**

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

**State/Local Identifier**:

**\*Preparer:**

**\*Certifying Officer Name and Title:**

**Consultant** (if applicable):

**\*Project Location:**

**\*Description of the Proposed Project** [24 CFR 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, per 24 CFR 58.35(a)(5).

**Funding Information**

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

**\*Estimated Total HUD Funded Amount:**

**\*Estimated Total Project Cost** (HUD and non-HUD funds):

# Compliance with 24 CFR 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 or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

|  |  |  |
| --- | --- | --- |
| **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 58.6** | | |
| **Airport Hazards**  24 CFR Part 51 Subpart D | Yes No | This project consists only of leasing or rental assistance and is in compliance with the HUD’s Airport Hazard regulations without further evaluation. |
| **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 | This project consists only of leasing or rental assistance and is in compliance with the Clean Air Act without further evaluation. |
| **Coastal Zone Management**  Coastal Zone Management Act, sections 307(c) & (d) | Yes No | This project consists only of leasing or rental assistance and is in compliance with the Coastal Zone Management Act without further evaluation. |
| **Contamination and Toxic Substances**  24 CFR 58.5(i)(2) | Yes No | \* |
| **Endangered Species**  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 | Yes No | This project consists only of leasing or rental assistance and is in compliance with the Endangered Species Act without further evaluation. |
| **Explosive and Flammable Hazards**  24 CFR Part 51 Subpart C | Yes No | This project consists only of leasing or rental assistance and is in compliance with HUD’s Explosive and Flammable Hazards standards without further evaluation. |
| **Farmlands Protection**  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 | Yes No | This project consists only of leasing or rental assistance and is in compliance with the Farmland Protection Policy Act without further evaluation. |
| **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 | HUD has determined that leasing and rental assistance with no associated repairs, rehabilitation, or other activities with physical impacts has No Potential to Cause Effects under 36 CFR 800.3(a)(1) (see Appendix A). Therefore, this project is in compliance with Section 106 of the National Historic Preservation Act without further obligations. |
| **Noise Abatement and Control**  24 CFR Part 51 Subpart B | Yes No | This project consists only of leasing or rental assistance. HUD’s Noise standards do not apply. |
| **Sole Source Aquifers**  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 | Yes No | This project consists only of leasing or rental assistance and is in compliance with the Safe Drinking Water Act without further evaluation. |
| **Wetlands Protection**  Executive Order 11990, particularly sections 2 and 5; 24 CFR Part 55 wetlands provisions | Yes No | This project consists only of leasing or rental assistance without any new construction. Executive Order 11990 and Part 55 wetlands provisions do not apply to projects that do not involve new construction in a wetland. |
| **Wild and Scenic Rivers**  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) | Yes No | This project consists only of leasing or rental assistance and is in compliance with the Wild and Scenic Rivers Act without further evaluation. |

**Mitigation Measures and Conditions**

Summarize below all mitigation measures either taken or required as a condition of approval of the project 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.

**\*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** 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, submit RROF (HUD 7015.15), 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

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)).

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).

Appendix A –

Memo on project-based leasing or rental assistance activities funded under Continuum of Care program 
