

## FORM 2-5 & 2-5A INSTRUCTIONS

### STATUTORY CHECKLIST (58.5) and (58.6)

Under 24 CFR 58.5 and 58.6, CDBG Recipients must review their projects using the same regulations HUD would otherwise be subject to under the National Environmental Policy Act. The Statutory Checklist covers Federal laws, regulations and Executive Orders (see 24 CFR 58.5) that may impact your project. The Checklist is an important piece of the Environmental Review Record since it records the results of the review of statutes, regulations and Executive Orders outlined in 24 CFR 58.5 and 58.6 of the CDBG Environmental Review regulations. Depending on the level of review required for the project, completion of the Statutory Checklist may not be required. In cases where it is required, compliance means that the Recipients must follow detailed procedures required by the particular law, regulation, or Executive Order. Recipients are strongly encouraged to check individual regulations directly for applicability and compliance measures.

To the right of the listing of statutes and regulations are columns for Recipients to record the results of their findings after determining the impact of the statutes, regulations and Executive Orders listed on the Checklist.

**Not Applicable to this Project** – Check here, only when it is known that the project is located in an area where the environmental condition or resource is nonexistent (e.g., project is not located in a delineated floodplain).

**Consultation, Permit, and/or Mitigation required** – Check here when consultation will or has occurred, permits are required, specific review procedures are applicable (e.g. Section 106) and mitigation action is necessary. Attach supporting documentation demonstrating evidence of compliance such as the permits that have to be secured, or required procedures followed; and/or any correspondence from reviewing agencies and a designation of responsibility for implementation.

The final column should be used to record conversations, correspondence or other facts that support the conclusion that has been reached for the particular statute in question. It is important to record information received and maintain correspondence supporting the conclusion that has been reached and indicated on the Checklist's middle columns. Notes, correspondence, and documents (e.g., approval letters, permits) must be attached to the Checklist to document compliance and substantiate the determination.

For each Checklist category there may be more than one applicable law or regulation. For example, in the case of water it will be necessary to indicate that the project is in compliance with the Safe Drinking Water Act and that the various water quality acts and regulations have been considered. Check all applicable laws or regulations.