

EXHIBIT 1
Categorically Excluded (Cat X) Form Instructions
24 CFR Part 58 - HUD Environmental Review
<https://jobs.utah.gov/housing/environmentalreview/index.html>

Criteria	Law/Regulation	Summary	Process
Checklist Part 1			
1. Historic Preservation	<p>The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.), particularly sections 106 and 110 (16 U.S.C. 470f and 470h-2)</p> <p>Advisory Council on Historic Preservation - 36 CFR Part 800 Executive Order 11593, Protection and Enhancement of the Cultural Environment</p> <p>The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), particularly section 3 (16 U.S.C. 469a-1)</p> <p>National Historic Preservation Act of 1966 – particularly Sections 106 and 110, CFR Part 800</p>	<p>The Act directs federal agencies to take into account the effect of any undertaking (a federally funded or assisted project) on historic properties. "Historic property" is any district, building, structure, site, or object that is eligible for listing in the National Register of Historic Places because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture.</p> <p>Typically, a historic property must be at least 50 years old and retain integrity.</p>	<p>Review the State History Programmatic Agreement (PA) on the Housing & Community Development Environmental Review web page, Specifically APPENDIX 1 (Pgs. 11-15)</p> <p><u>The APPENDIX 1 lists the type of activities that are exempt from the Historic Preservation Act.</u></p> <p>Ask the following questions: Does the site contain a structure over 50 years of age or is the site in proximity to a structure (1/4 mile) that is over 50 years of age? Are there other properties, including structures fifty (50) or more years old, within the boundaries or in the vicinity of the project that appear to be historic and would thus ordinarily require consultation with the SHPO (State Historic Preservation Office)?</p> <p>Is the site identified on the National Register of Historic Properties or does it appear to meet the eligibility criteria for the National Register? Does the locality have an inventory of historic places?</p> <p>Vacant ground is not exempt from the regulation. Vacant ground may contain archaeological historic properties.</p> <p>Attach documentation to explain your rationale for determination of "No Impact."</p> <p>If the project cannot be determined to have "No Affect" contact HCD Environmental Review Officer for guidance. State ERR Officer will submit a SHPO form 106 for the applicant as soon as a SOW is provided on Letterhead from the Organization.</p>
1. Historic Preservation - Tribal Consultation		<p>Before any expenditure of federal funds, agencies must consult with tribes to determine whether a proposed project may adversely affect historic properties and if so, how the adverse effect could be avoided, minimized or mitigated. This</p>	<p>Review the "When To Consult With the Tribes" worksheet posted on the Environmental Review web page.</p> <p>If none of the project types apply, check the box on the worksheet. Then sign, scan & attach to the Environmental Review Checklist.</p> <p>If any of the project types apply, check the</p>

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		<p><u>applies to projects on and off tribal lands.</u></p>	<p>appropriate box on the worksheet and prepare a letter to the appropriate tribe(s) using the <u>tribal contact information</u> and letter template on the Environmental Review web page.</p> <p>Contact only the tribes that that are listed for the county in which the project is located. Write to one person only for each tribe and send to the THPO (Tribal Historic Preservation Officer) contact name, if listed.</p> <p>A 30 day comment period must be allowed for comments from the tribe(s) contacted.</p> <p>Attach the letter(s) to the checklist and provide comments to document any response from the tribe. Contact HCD Environmental Review Officer if comments are received.</p>
<p>2. Floodplains Management</p>	<p><u>Executive Order 11988</u>, Floodplain Management 24 CFR Part 55</p> <p>Flood Disaster Protection Act of 1973, as amended</p> <ul style="list-style-type: none"> • <u>42 U.S.C. 4001</u> • <u>42 U.S.C. 4106</u> <p>National Flood Insurance Reform Act of 1994 (<u>42 U.S.C. 5154a</u>)</p>	<p>Executive Order 11988 requires participation in the National Flood Insurance Program. Federal Policy recognizes that floodplains have unique and significant public values and call for protection of floodplains.</p>	<p>EXCEPTION: RESIDENTIAL REHABILITATION – Compliance is required only when the cost of the rehab is expect to exceed 50% of market value before improvement, excluding costs to bring a structure up to code.</p> <p><u><i>Step 1:</i></u> Check to See if Project in a <u>Floodplain?</u> No? Document and proceed with project.</p> <p>Yes? <u><i>Step 2:</i></u> Does Community in which project is located participate in <u>National Flood Insurance Program (NFIP)?</u></p> <p>Yes? <u><i>Step 3:</i></u> Contact CDBG Environmental Specialist & complete 8 Step Process, contact State CDBG staff for direction. No? Project cannot be funded with CDBG funds. Find a new location!</p> <p><u><i>Step 4:</i></u> Proceed with Project after all public notices have been published and “Environmental Release” is granted by State.</p>
<p>3. Wetlands Protection</p>	<p><u>Executive Order 11990</u>, Protection of Wetlands 24 CFR Part 55</p> <p><u>33 U.S.C. 1344 Section 404</u>, Clean Waters Act</p>	<p>The Order requires all federal agencies to "minimize the destruction, loss or degradation of wetlands, and preserve and enhance the natural and beneficial values of wetlands." Unless no practical alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem.</p>	<p>Wetlands do not have to be literally “wet” to be considered wetland habitats. Wetlands generally include swamps marshes, bogs, and similar areas. Check <u>Wetlands Mapper</u> Website Ask yourself these questions:</p> <ol style="list-style-type: none"> 1. Does the proposed project have a potential to affect or be affected by a wetland? 2. Are there available alternatives to locate the project elsewhere? 3. Is the proposed project or activity in compliance with conditions set forth by U.S.

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			<p>Army Corp of Engineers (<i>USACE</i>) concerning permits for dredge and fill activity?</p> <p>4. If you are not sure or cannot determine whether wetlands exist, contact area <i>USACE</i> to make determination.</p> <p>Yes? If it is apparent that the project will be constructed in a wetland, the Grantee must notify the public through publication of 2 public notices in the newspaper. (EIGHT-STEP DECISION-MAKING PROCESS).</p> <p>Contact HCD Environmental Specialist for public notice templates.</p>
<p>4. Coastal Barriers Resources</p> <p>Coastal Zone Management</p>	<p>1. Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)</p> <p>2. The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as amended, particularly section 307(c) and (d)</p>	<p>NOT APPLICABLE IN REGION VIII - UTAH</p>	<p>None – Enter:</p> <p>This project is located in Utah, a state with no Coastal Barrier Resources System (CBRS) units. Therefore this project is in compliance with the CBR Act.</p>
<p>5. Sole Source Aquifers</p>	<p>The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349) as amended, particularly section 1424(e) (42 U.S.C. 300h-3(e))</p> <p>Environmental Protection Agency - 40 CFR Part 149</p>	<p>A Sole Source Aquifer (SSA) is one where:</p> <p>1) The aquifer supplies at least 50 % of the drinking water for its service area.</p> <p>2) There are no reasonably available alternative drinking water sources should the aquifer become contaminated.</p>	<p>See Sole Source Aquifer Letter posted on HCD Resource Page from EPA that states that it has designated 3 aquifers in Utah as sole source aquifers.</p> <p>They are located in Oakley, Castle Valley, and Moab.</p> <p>Attach as evidence.</p> <ul style="list-style-type: none"> · Determine whether or not the project may affect or contaminate one of the 3 aquifers in Utah. · If the proposed project will not in any way affect any underground water source the preparer notates reasons on the checklist and attach the letter from EPA indicating “No impact” to any sole source aquifers.
Checklist Part 2			
<p>6. Endangered Species</p>	<p>The Endangered Species Act of 1973 (16 U.S.C. 1531) et seq. as amended, particularly section 7 (16 U.S.C. 1536)</p>	<p>The Act was passed to protect and recover imperiled species and the ecosystems upon which they depend. It provides a means for listing native animal species as endangered and giving them limited protection.</p>	<ul style="list-style-type: none"> · In compliance with Section 7(a) of the Act, project managers must make a site observation and review the most current list of Endangered Species to ensure that a proposed project is not likely to affect the continued existence of an endangered or threatened species nor result in the destruction or adverse modification of critical habitats of plant and animal life.

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		<p>Species may be listed as “endangered” or “threatened”.</p>	<p>· Create an official species list from the IPaC site on the ERR resource page. You should be able to make a statement that the critical habitat for “species” is “X” and none of that habitat is present on the project site.</p> <p>For additional help, contact the U.S. Fish and Wildlife Office to make a determination.</p>
<p>7. Wild and Scenic Rivers</p>	<p>The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1531 et seq.) as amended, particularly section 7 (b) and (c) (16 U.S.C. 1278(b) and (c))</p>	<p>The Act preserves certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.</p> <p>Safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development, promoting public participation in developing goals for river protection.</p>	<p>See the List of Inventoried Rivers Attach as Evidence.</p> <p>Review the List of Inventoried Rivers. If the project will be crossing over, discharging into, or in any way impacting any of the rivers or streams included in the National Rivers Inventory (NRI), you must contact the appropriate agency to determine the appropriate mitigation action.</p> <p>If the project will have no influence on any of the rivers or streams, note this on the checklist. Although Utah has only two designated Wild & Scenic River (Green and Virgin Rivers), all eligible and suitable rivers must be afforded the same protection.</p>
<p>8. Air Quality</p>	<p>The Clean Air Act (42 U.S.C. 7401 et seq.) as amended, particularly section 176(c) and (d) (42 U.S.C. 7506(c) and (d))</p> <p>Determining conformity of General Federal Actions to State or Federal Implementation Plans - 40 CFR parts 6, 51, and 93</p>	<p>The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources.</p> <p>Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants</p>	<p>See Utah Division of Air Quality Letter and ATLAS Letter regarding asbestos posted on Environmental Review webpage. Attach as Evidence.</p> <p>· Does the project require an installation permit, operating permit or indirect source permit under local pollution control agency rules? If so, have permit requirements been satisfied?</p> <p>· Is the project located in the vicinity of a monitoring station where air quality violations have been registered? If so, will the project exacerbate air quality problems in the area?</p> <p>· If the project or its potential users would be particularly sensitive to existing air pollution levels, or those expected 10 and 20 years hence, has the project been designed to mitigate possible adverse effects?</p> <p>· <u>Will this project involve renovation of a building?</u> If so, it is likely that asbestos testing is required.</p> <p>· If your project is <u>not</u> one of those identified as an exempted activity, contact the Dept. of Environmental Quality, Division of Air Quality regarding the project specifically. If mitigation is required, indicate how that will be accomplished. Attach supporting documentation to the</p>

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			<p>checklist.</p> <p>For construction projects disturbing more than ¼ acre, a Fugitive Dust Control Plan is required in certain counties that trigger this requirement. Use the link on the ERR resource page to determine if your project is located in one of the non-attainment areas.</p>
<p>9. Farmlands Protection</p>	<p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541;</p> <p>Department of Agriculture - 7 CFR part 658</p>	<p>Farmland is a unique natural resource. The Act was passed in an effort to assure that the direct or indirect actions of the Federal Government do not cause U.S farmland to be irreversibly converted to non-agricultural uses.</p> <p>The Act also stipulates that federal programs be compatible with state, local and private efforts to protect farmland.</p>	<p>Complete the Farmlands Worksheet, attach it as Evidence.</p> <ul style="list-style-type: none"> - Assess whether or not the proposed project will convert farmland. Provide information on the land use zoning which now exists in the project area. If the land is already zoned for commercial or residential uses, indicate this on the checklist. If you plan to change the zoning, call the USDA-Natural Resources Conservation Service Office. <p><u>Cases Where the Act Does Not Apply</u></p> <ol style="list-style-type: none"> 1. The proposed project site does not contain prime, unique, or designated statewide or locally important farmland (as defined by the Act), use the USDA Soil Survey tool. 2. Urban land is exempt if the land is “already in” or “committed to” urban development—see 7 CFR 658.2(a). 3. Projects involving grants, loans or mortgage insurance for purchase or rehabilitation of existing structures.
<p>10. Contamination and Toxic Substances</p>	<p>24 CFR 50.3(i) & 58.5(i)(2)</p>	<p>It is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.</p>	<p>Search for the address and surrounding area online EPA Envirofacts and the NEPAssist Site. Use the links listed on the HCD Environmental Record Resource webpage.</p> <p>Log into the TRI (Toxics Release Inventory) and use search tool Resource Conservation and Recovery Act Information (RCRAInfo) webpages. Using the various search features, determine if there are any sites within the minimum distances.</p> <p>This will give you more information on the sites near the project.</p> <p><u>Search by ZIP code, NOT the project address.</u></p> <p>You can view the facility information and reports on non-compliance and spills. Provide narrative explaining how there will be no impact and attach evidence.</p> <p>Many ordinary businesses are listed because they are required to report on their</p>

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			<p>emissions and waste. For example, dry cleaners and gas stations are listed but are typically not hazardous to the areas around them.</p> <p>Contact State of Utah, Department of Environmental Quality, Division of Solid and Hazardous Waste at (801) 536-0200 for information about the RCRA sites. Contact Dale Urban, (801) 536-4145 for the TRI sites.</p> <p>Some sites are Federal in nature and managed by EPA. You may call EPA and ask whether or not the site has been properly contained. If EPA will not comment, you must contact the State Department of Environmental Quality, Division of Environmental Response & Remediation, Dale Urban, (801) 536-4145. Request the same information.</p> <p>If neither of these agencies will identify any special care that must be observed on your part, document process you have gone through on the checklist and indicate that you intend to proceed as planned unless these agencies tell you otherwise.</p>

Checklist Part 3

<p>11. Environmental Justice</p>	<p>Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</p> <p>HUD Socioeconomic Topic</p> <p>Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income.</p> <p>Best Practices for Meaningful Community Engagement</p> <p>Promising Practices for Environmental Justice (EJ) Methodologies in National Environmental Policy Act (NEPA) Reviews</p> <p>Compendium of State Regulatory Activities on Environmental Justice</p>	<p>Environmental reviews should incorporate the meaningful involvement of low-income and/or minority communities and identify and address disproportionate environmental and human health impacts faced by these populations. Additionally, reviewers should expand access to resources, information, and best practices for health and environmental benefits relevant for the project and its expected impacts, and identify disparities in:</p> <ul style="list-style-type: none"> • Equal protection from environmental and health hazards • Equal access to the decision-making process • Equal access to a healthy environment in which to live, learn and work • Protection of areas of local and cultural significance 	<p>You must evaluate the whole project and the direct, indirect and cumulative impacts associated with environmental justice.</p> <ul style="list-style-type: none"> • Is the project located in or likely to affect a community with potential environmental justice concerns? • Has the impacted community been meaningfully informed and involved in a participatory planning process for the project? • Will the project expose these communities to disproportionate adverse environmental or human health conditions? Keep in mind that such communities may have greater vulnerabilities due to health disparities. • How can the adverse impacts be mitigated? Continue to engage the affected community when making decisions about mitigating the impacts or moving the project to another location. <p>Indicate on the checklist in words similar to the following that the project has been evaluated and enter:</p>
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	<p>U.S. Climate Resilience Toolkit – Social Vulnerability Index</p> <p>HUD – Affirmatively Furthering Fair Housing Data and Mapping Tool</p>	<p>against adverse impacts caused by new development</p>	<p>“there will be no activity performed with these funds that will in any way create discrimination or isolation of minority or low income individuals based on the location or purpose of this project. This project does not create an adverse health or environmental effect that disproportionately impacts minorities or low-income populations.”</p>
<p>12. Noise Abatement & Control</p>	<p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978</p> <p>24 CFR Part 51, Subpart B</p>	<p>Noise is defined as any unwanted sound that disturbs human activity. The Act establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare.</p> <p>Most airports are not close enough to projects to cause a noise problem.</p> <p>The HCD environmental review specialist will assist in calculation the noise level.</p> <p>See HUD’s Online Noise Assessment Tool and Noise Mitigation Tool on the HCD Environmental Review Resources Webpage.</p>	<p>Projects <u>not</u> considered “noise sensitive” and a noise assessment is NOT required:</p> <ol style="list-style-type: none"> 1- Projects involving infrastructure improvements (sidewalks, water/sewer, curb and gutter), industrial or commercial facilities are. Just indicate this on the checklist. 2- Projects involving rehab of existing housing are not required to conduct a noise assessment. <p>If the project involves new construction of <u>housing</u> and other noise sensitive projects such as nursing homes, college dormitories, hospitals, libraries, you must determine if any of the following conditions exist:</p> <ol style="list-style-type: none"> 1. major roadways (4 lanes) within 1,000 feet of the site 2. railroad tracks within 3,000 feet of the site 3. commercial airports within 15 miles of the site <p>Review the following airports with regularly scheduled commercial jet traffic: Bryce Canyon, Cedar City, Moab, Canyonlands, Salt Lake City, St. George, Vernal, Wendover, and ALL military airports within 15 miles must be reviewed.</p> <p>If any of the above circumstances exist, complete a noise assessment to determine if the noise level in the area exceeds HUD’s limit of 65 dbl.</p>
<p>13. Explosive and Flammable Hazards (Above-Ground Storage Tanks)</p>	<p>24 CFR Part 51, Subpart C</p>	<p>Both people and property are at significant risk to exposure from the explosion and thermal radiation (fire) when projects are located too close to storage containers of hazardous gas and liquids or chemicals of a flammable or explosive nature.</p> <p><u>The concern is above ground hazards within one mile of the project</u></p>	<p>See HUD’s online Acceptable Separation Distance (ASD) Calculator</p> <ol style="list-style-type: none"> 1. Law does not apply to a property owner’s personal storage tanks for residential use. 2. Law does not apply to repairs and renovation of a building or buildings where there will <u>not be an increased number of people being exposed to hazardous operations due to the project.</u> Converting a warehouse to housing would NOT be exempt from the regulation.

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			<p>3. Law does not apply to curb, gutter, sidewalk, storm drain waterline, or sewer projects.</p> <p>4. Law does not apply to underground containers.</p> <p>5. Law does not apply to containers of 1,000 gallons (water volume) used to hold liquefied petroleum gas (propane)</p> <p>Make a site review of the project and identify any above ground storage tanks that are within one mile of the project. Look for storage tanks, holding facilities, process vessels, tank truck AND parking areas, railroad freight yards, and transmission lines which may be used to store, process or transport HAZARDOUS products. (Propane, Diesel fuel, etc.) See Explosive and Flammable Hazards (Above-Ground Storage Tanks) List on HCD Environmental Review Resources webpage.</p> <p>You can also contact the local fire department for information on tanks in the area.</p> <p>If a hazardous determination is made and you are <u>increasing the number of people or structures at the project site</u>, you must calculate the Acceptable Separation Distance (ASD) for the project.</p> <p>If no above ground hazards are found within one mile of project, indicate this on the environmental checklist.</p>
<p>14. Airport Clear Zones & Accident Potential Zones</p>	<p>24 CFR Part 50, Subpart D</p>	<p>Some types of development are incompatible for locations in the immediate vicinity of airports and airfields. Potential aircraft accident problems pose a hazard to end users of these development projects.</p>	<p>Determine if project is within 15,000 feet of a military airport or 2,500 feet of a civilian airport. If no, document.</p> <p>If yes, is project located within an Accident Potential Zone (APZ) or Runway Protection Zone/Clear Zone (RPZ/CZ)?</p> <p>Does the project involve new construction; substantial rehabilitation; acquisition of undeveloped land; activities that would significantly prolong the physical or economic life of existing facilities or change the use of the facility to a use that is not consistent with the recommendations of the Department of Defense (DOD)'s Land Use Compatibility Guidelines? If yes, call the HCD Environmental Specialist for guidance.</p>
<p>15. Lead Based Paint</p>	<p>24 CFR Part 35</p>	<p>Congress passed the legislation to protect families from</p>	<p>The requirements vary based on:</p>

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	Residential Lead-Based Paint Hazard Reduction Act of 1992	<p>exposure to lead from paint, dust and soil.</p> <p>HUD issued their regulation to protect young children from lead-based paint hazards in pre-1978 housing that is financially assisted by the Federal Government.</p> <p>Applicable to HUD funded projects involving buildings/housing built prior to 1978 when children are present or the building is used for overnight occupancy.</p>	<ul style="list-style-type: none"> · the type of building involved · the age of persons residing in or using the building · the type of activity – construction or not? · the type of HUD funding – ESG, CDBG, HOPWA or HOME <p>If the project DOES NOT involve pre-1978 buildings used for children OR sleeping, check “No Impact” on the checklist and enter comments to that effect. Those types of projects do NOT trigger HUD’s Lead Based Paint Regulations.</p> <p>If the project DOES involve pre-1978 buildings used for children or sleeping, indicate “Impact” on the checklist. The HUD Environmental Review Officer will contact the checklist preparer for further guidance regarding compliance with the regulation.</p>
<p>16. Culinary Water Projects</p>	<p>Utah Department of Environmental Quality (DEQ)</p> <p>R309-500</p> <p>Facility Design and Operation: Plan Review, Operation and Maintenance Requirements</p>	<p>This criteria applies only to construction projects that involve construction of new waterlines.</p>	<p>The Utah Department of Environmental Quality (DEQ), Division of Drinking water, requires grantees to submit project plans to prior to construction of <u>new</u> public drinking water systems.</p> <p style="background-color: yellow;">On-going operation and maintenance procedures are not considered public drinking water projects and are not subject to the project notification, plan approval and operating permit requirements of this rule.</p> <p>The following activities are considered to be “on-going operation and maintenance procedures”:</p> <p><i>replacement of existing deteriorated pipeline where the new pipeline segment is the same size as the old pipeline or the new segment is upgraded to meet the minimum pipeline sizes required by R309-550-5(4) or larger sizes as determined by a hydraulic analysis in accordance with R309-550-5(3), excluding substantial distribution system upgrades that involve long-term planning and complex design</i></p> <p>An approval letter from DEQ must be attached to the checklist if the project falls within this identification, in order to receive Environmental Clearance from the HCD environmental review officer. Contact Michael Grange, Technical Assistance, at (801) 536-0069 or by e-mail at mgrange@utah.gov for guidance on this requirement.</p>