

ITEM 8



Travis County Commissioners Court Agenda Request

Meeting Date: January 9, 2013

Prepared By/Phone Number: Christy Moffett 854-3460

Elected/Appointed Official/Dept. Head:

Sherri E. Fleming, County Executive of Travis County Health and Human Services & Veterans Service

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action on the following related to the Tier One environmental clearance for Travis County's Community Development Block Grant Owner Occupied Home Rehabilitation Program with funding provided by HUD:

- A. Receive comments provided during the public comment period;
- B. Certify the results of the environmental review; and
- C. Authorize submission to the HUD; San Antonio Field Office, Region VI.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Every project must go through the appropriate level of environmental review as required by HUD. The level of environmental review is attributed to the nature of each project and its potential impact on the environment.

Responsible Entities (RE) that receive assistance directly from HUD must assume responsibility for the environmental reviews, decision-making and actions that would otherwise apply to HUD under the National Environmental Policy Act (NEPA) and other provisions of NEPA, as specified in §58.5 and §58.6. REs assume this responsibility through the execution of a grant agreement with HUD and/or a legally binding document such as the certification contained on form HUD-7015.15, Request for Release of Funds (RROF), which certifies the RE's assumption of environmental responsibilities.

The Travis County CDBG Owner Occupied Home Rehabilitation program's purpose is to improve the quality of housing stock in the CDBG service area for low to moderate income owner occupied houses. This project will fund minor home repair services for low and moderate income homeowners in the unincorporated areas of Travis County and the Village

of Webberville, to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to \$24,999 with no required annual or monthly payments is available. The deferred loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering or design for improvements.

These funds are targeted toward homeowners at or below 80% MFI in the CDBG service area. This project will be administered by a nonprofit, designated as a subrecipient, identified through a formal application. Additionally, some of the allocation will partially fund a CDBG Planner position to complete environmental paperwork, final inspections and sign off, and any other needed project delivery related costs.

The appropriate level of environmental review is Categorically Excluded Activity Subject to §58.5 means that the activity is categorically excluded from NEPA requirements, however, the grantee must nevertheless demonstrate compliance with the laws, authorities, and Executive Orders listed in 58.5.

Home Rehabilitation falls under this category of environmental review because the following conditions are met:

- Only residential properties with one to four units will be rehabilitated;
- The density is not increased beyond four units;
- The land use is not changed; and
- If the building is located in a floodplain or in a wetland, the footprint of the building is not increased.

The CDBG Office has chosen to tier its environmental review of the housing rehabilitation program. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the CDBG service area. Tiering is appropriate in this case when there is a

requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date. Site specific reviews will contain information on Historic Properties, Floodplain Management, Noise Control and Abatement, Explosive and Flammable Operations, Airport Hazards and Contamination and Toxic Substances.

: **Certifying Officer**

- The Certifying Officer represents the Responsible Entity (RE) , and serves as the “responsible Federal official,” who has the legal capacity to carry out the responsibilities of §58.13, and is authorized to certify Request for Release Of Funds (RROF) and represent the RE in federal court.
- The Certifying Officer for a State is the Governor. The Certifying Officer for a city is the Mayor or City Manager. The Certifying Officer for a county (or equivalent) is the highest elected official.

On December 18, 2012, the Travis County Commissioners Court received the report and approved postings to notify the public of same. On December 19, legal notices were posted on the Travis County website, the seven Travis County Community Centers, Commissioners Court Members Offices, 700 Lavaca, Ned Granger building, and notices were mailed or emailed to neighborhood associations, school districts and other interested parties to notify the public of the County’s 10 day comment period regarding the result of the Tier One Travis County Owner Occupied Home Rehabilitation Project’s environmental review and HUD’s 15 day comment period to allow the release of funds. HUD’s comment period is anticipated to begin on or about January 9.

STAFF RECOMMENDATIONS:

- A. The County’s comment period ran from December 20, 2012 – January 3, 2013, however, no comments or objections have been received. Please note we extended the posting by three days to offset the three days the County was closed over the holidays. As of January 1st, a couple of phone calls were received requesting

clarification of the notice, however, no comments have been received. If any comments are received by the end of the comment period on January 3rd, staff will update the memo prior to the Commissioners Court's meeting on January 8th.

- B. Staff recommends the County Judge certify the results of the environmental document as the Certifying Official. Please see the report attached.
- C. Submission to the HUD San Antonio Field Office is required so that the County may receive release of funds and move through the second 15 day comment period overseen by HUD. The certifying official must sign the attached HUD form 7015.15 to request the release of funds. Staff anticipates the release of funds for the project on or about January 24, 2013.

ISSUES AND OPPORTUNITIES:

Completing this process allows the County to contractually obligate funds at the end of January to a subrecipient yet to be identified.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

REQUIRED AUTHORIZATIONS:

County Attorney

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 3/31/2011)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
11. Program Activity/Project Description	

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
	Date signed
X Address of Certifying Officer	

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed
X	

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Travis County
CDBG Owner Occupied Home
Rehabilitation Program

Environmental Review Record
Tier One & Site Specific
Determination Plan

Categorical Exclusion Subject to 24 CFR Part 58.5

December 18, 2012
Prepared by Travis County Health and Human Services & Veterans Service,
CDBG Office

Purpose

The purpose of the environmental review process is to analyze the effect a proposed project will have on the people and the natural environment within a designated project area, and the effect the material and social environment may have on a project.

Grantees who receive CDBG funds must complete an environmental review of all project activities prior to obligating CDBG funds.

The four environmental classifications are: Exempt Activities, Categorically Excluded Activities, Activities Requiring an Environment Assessment, or Activities Requiring an Environmental Impact Statement.

Categorically Excluded Activities

A Categorically Excluded Activity Subject to §58.5 means that the activity is categorically excluded from NEPA requirements, however, the grantee must nevertheless demonstrate compliance with the laws, authorities, and Executive Orders listed in 58.5.

Home Rehabilitation falls under this category of environmental review because the following conditions are met:

- Only residential properties with one to four units will be rehabilitated;
- The density is not increased beyond four units;
- The land use is not changed; and
- If the building is located in a floodplain or in a wetland, the footprint of the building is not increased.

Tiering

Under 24 CFR Part 58, it is stated that a responsible entity may tier its environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate when there is a requirement to evaluate a policy or proposal in the early stages of development or when site specific analysis or mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

Project Purpose, Name & Description

The project purpose is to improve the quality of housing stock in the CDBG service area for low to moderate income owner occupied houses.

The project is the Travis County CDBG Owner Occupied Home Rehabilitation Project.

This project will fund minor home repair services for low and moderate income homeowners in the unincorporated areas of Travis County and the Village of Webberville, to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to \$24,999 with no required annual or monthly payments is available. The deferred loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering or design for improvements.

These funds are targeted toward homeowners at or below 80% MFI in the CDBG service area. This project will be administered by a nonprofit, designated as a subrecipient, identified through a formal application. Additionally, some of the allocation will partially fund a CDBG Planner position to complete environmental paperwork, final inspections and sign off, and any other needed project delivery related costs.

Project Funding

This project is fully funded by Community Development Block Grant dollars received from the U.S. Department of Housing and Urban Development (HUD) from several grant years. The breakdown in funding by year is as follows:

Grant Number	Grant Year	Dollar Amount
B-06-UC-48-0503	Program Year 2006	\$423.86
B-08-UC-48-0503	Program Year 2008	\$108,491.68
B-09-UC-48-0503	Program Year 2009	\$192,957.23
B-10-UC-48-0503	Program Year 2010	\$162,199.19
B-11-UC-48-0503	Program Year 2011	\$368,636
B-12-UC-48-0503	Program Year 2012	\$256,024
TOTAL:		\$1,088,731.96

Project Location

This project will be provided throughout the CDBG Service area which includes the unincorporated areas of Travis County and the Village of Webberville. At this time, the Program does not have specific homes approved for rehabilitation; therefore, the County is using a tiering strategy for the environmental review.

Tiering Process

This report includes the first tier of a two-part environmental clearance. Travis County has chosen to tier its environmental review of its housing rehabilitation program. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the CDBG service area. Tiering is appropriate in this case when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

Tier One

This report clears the following items from any further review for each home to be rehabilitated:

1. 24 CFR 58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]
2. 58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) &(d)]
3. 58.35(d) Sole Source Aquifers [40 CFR 149]
4. 58.35(e) Endangered Species [50 CFR 402]
5. 58.35(f) Wild and Scenic Rivers [36 CFR 297}
6. 58.35(g) Air Quality [CFR parts 6,51,93]
7. 58.35(h) Farmland Protection [7 CFR 658]
8. 58.5(j) Environmental Justice [Executive Order 12898]

Site Specific Determination

The remaining items will be cleared on a site specific basis once the County knows which potential homes will be repaired. The Site Specific Environmental Determination Worksheet and Checklist "Appendix A, Attachment 1" as well as the Compliance Checklist for 24 CFR 58.8 "Appendix A, Attachment 2" will be completed for each address prior to beginning work. The strategy for the site specific determination can be found in Appendix A. The items to be reviewed in this final level of clearance are:

1. 58.5(a) Historic Properties [36 CFR 800]
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 119988]
3. 58.35(i)(1) Noise Control and Abatement [24 CFR 51B]
4. 58.35(i)(1) Explosive and Flammable Operations [24 CFR 51C]
5. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]
6. 58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]

RE SEAL

RE NAME AND ADDRESS

Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities

Use this worksheet for projects that are Categorically Excluded Subject to 24 CFR §58.5 listed at 24 CFR §58.35(a) and for projects that require an Environmental Assessment.

Project Name: _____

ERR FILE # _____

Definitions: **A:** The project is in compliance.
 B: The project requires an additional compliance step or action.

Statute, Authority, Executive Order Cited in cited at 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
1. 58.5(a) Historic Properties [36 CFR 800]				
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]				
3. 58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]				
4. 58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]				
5. 58.35(d) Sole Source Aquifers [40 CFR 149]				
6. 58.35(e) Endangered Species [50 CFR 402]				

7.	58.35(f) Wild and Scenic Rivers [36 CFR 297]				
8.	58.35(g) Air Quality [CFR parts 6, 51, 93]				
9.	58.35(h) Farmland Protection [7 CFR 658]				
10.	58.35(i)(1) Noise Control and Abatement [24 CFR 51B]				
11.	58.35(i)(1) Explosive and Flammable Operations [24 CFR 51C]				
12.	58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]				
13.	58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]				
14.	58.5(j) Environmental Justice [Executive Order 12898]				

DETERMINATION:

- Box “A” has been checked for all authorities.** If Categorically Excluded pursuant to §58.35(a), the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measure (e.g. consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down; OR**
- Box “B” has been checked for one or more authority.** The project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD’s Authority to Use Grant Funds (HUD-7015.16) per §58.70 and §58.71 before committing funds; OR**
- This project may result in a significant environmental impact to the environment and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

MITIGATION MEASURES AND CONDITIONS FOR PROJECT APPROVAL: *(If Box B is checked, provide details regarding further consultation, mitigation, permit requirements or approvals required to be incorporated into public notices and project requirements such as contracts, grants, loan conditions, etc. as described in Statutory Worksheet.)*

PREPARER:

Preparer’s Signature

Date

Preparer’s Name (printed)

Title (printed)

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

Worksheet for Preparing 24 CFR §58.5 Statutory Checklist
[Attach to Statutory Checklist]

1. §58.5(a) Historical Properties [36 CFR Part 800]

Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?
 Yes No

If Yes, continue.

If No, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?
 Yes No

If Yes, document compliance with the PA. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- c. Is the project located within or directly adjacent to a historic district?
 Yes No

Unknown at this time. A site specific review will be completed and concurrence of our findings will be requested from the Texas Historical Commission. See tiering procedures for additional information.

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?
Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project’s Area of Potential Effect (APE)?
Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes any of the questions above, continue.

If No to all of the questions above, the project will not affect historic properties. A concurrence from the SHPO that “no historic properties will be affected” is

required. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”

Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?

Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?

Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, continue with consultation until resolved.

Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations

- i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or viewshed from an observation point in the natural landscape;

- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create skyglow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

Yes No

Unknown at this time. Some homes may involve a water service line to a permanent water source or the repair or installation of a septic tank. For those homes where ground will be disturbed, a site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, tribal consultation is not required.

- j.** Does HUD’s Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?
 (http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal)

Yes No

Unknown at this time. Some homes may involve a water service line to a permanent water source or the repair or installation of a septic tank. For those homes where ground will be disturbed, a site specific review will be completed. See tiering procedures for additional information.

If Yes, contact federally recognized tribe(s) and invite consultation. Continue.

If No, document the result in the ERR. Tribal consultation is not required.

- k.** Did the tribe(s) respond that they want to be a consulting party?

Yes No

If Yes, continue.

If No, (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

- l.** After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project’s APE?

Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, notify tribe(s) and other consulting parties of your finding of “No Historic Properties Affected.” Tribe(s) has 30 days to object to a finding.

- m.** After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?

Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects.

If No, notify tribe(s) and other consulting parties of your finding of “No Adverse Effects.” Tribe(s) has 30 days to object to a finding.

- n.** Were any objections to a finding received from a consulting tribe?

Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue with consultation until resolved.

If No, consultation is complete.

Comments:

Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of “no potential to cause effects” to historic properties was made.)

Information Resources:

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO's:

<http://www.nathpo.org/map.html>

HUD Tribal Directory Assessment Tool (TDAT):

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal

Section 106 Agreements Database:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/secti

2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

- a.** Does the project include minor repairs or improvements on up to four dwelling units that do not meet the thresholds for “substantial improvement” under §55.2(b)(8)?

Yes No

The project is minor home repair up to \$24,999, and will not meet thresholds for substantial improvement; however, program guidelines dictate that the program will not repair a home in the 100 year flood plain; therefore, specific site determinations will be made.

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- b.** Is the project located within (or have an impact on) a 100 year floodplain (Zones A or V) identified by FEMA maps?

Yes No

- c.** Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

Not applicable.

If Yes to (b) or (c), follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices. Mark box “B” on the Statutory Checklist for this authority.

If No to (b) and (c), compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see:
FEMA Map Service Center:
<http://www.store.msc.fema.gov>

3. §58.5(b) (2) Wetlands Protection (E.O. 11990)

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No

This project includes only minor home rehabilitation.

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Is the project within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the US Fish & Wildlife Service (USFWS) or U.S. Army Corps of Engineers (Corps)?
 Yes No

Not applicable.

- c. Are there drainage ways, streams, rivers, or coastlines on or near the site?
 Yes No

Not applicable.

- d. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?
 Yes No

Not applicable.

- e. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?
 Yes No

Not applicable.

If Yes to any of the above, comply with wetlands decision-making process of 24 CFR §55.20. (Use proposed Part 55 published in the Federal Register January 2012 for wetland procedures). Continue.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- f. Will the project require a permit from the Corps under Section 404 of the Clean Water Act and/or will USFWS require wetland mitigation?
 Yes No

Not applicable.

If Yes, ensure this is noted in Part 55 and Part 58 public notices. Include all mitigation measures and permit requirements in the mitigation section of the Statutory Checklist. Compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (NWI Map with project location noted in reference to wetlands. §55.20 8/5-Step decision-making process analysis for new construction and/or filling, and any permits received.)

For more information see:

USFWS National Wetlands Inventory – Geospatial Wetlands Digital Data:

<http://www.FWS.gov/wetlands/data/index.html>

Recognizing wetlands:

http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/techbio/rw_bro.pdf

4. §58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]

- a.** Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?
 Yes No

This project is for minor home repair.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is the project located within a Coastal Zone as defined in your state Coastal Zone Management (CZM) Plan?
 Yes No

The nearest coastal barrier county is 90 miles south, southeast of Travis County.

If Yes, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Coastal Zone Management area. If applicable, State's findings.)

For additional information see:

States and Territories Working with NOAA on Ocean and Coastal Zone Management:

<http://coastalmanagement.noaa.gov/mystate/welcome.html>

Texas Coastal Zone Management Program:

<http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html>

Texas Coastal Zone Boundary:

http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_documents/landing-pagefolder/CoastalBoundaryMap.pdf

Louisiana Office of Coastal Management:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>

Louisiana Coastal Zone Boundary:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=88>

5. §58.5(d). Sole Source Aquifers [40 CFR Part 149]

- a. Does the project involve new construction or land use conversion?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes No

Not applicable.

If Yes, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box "B" on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Map showing project in relation to the nearest Sole Source Aquifer.)

For more information see:

Region 6 Sole Source Aquifers: <http://www.epa.gov/region6/water/swp/ssa/maps.htm>

6. §58.5(e) Endangered Species [50 CFR Part 402]

- a.** Does the project involve the type of activities that are likely to have “no effect on endangered species, such as:
- Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?
 Yes No
 - Rehabilitation or renovation activities associated with existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?
 Yes No
 - Acquisition of existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.
 Yes No
 - Purchase and placement of playground equipment within existing parks?
 Yes No
 - Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?
 Yes No

If Yes to any of the above, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors and non-RE grant recipients). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No to all of the above, continue.

- b.** Does the project constitute a major construction activity (a major Federal action that modifies the physical environment and would normally require the preparation of an EIS)?
 Yes No

Not applicable.

If Yes, formal consultation with the Services is required in accordance with procedural regulations contained in 50 CFR Part 402. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- c. Have the Services identified federally protected species or critical habitat within the project area?
 Yes No

Not applicable.

If Yes, continue.

If No, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the Services is not necessary.

The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. If federally protected species or critical habitat have been identified within the project area, has a special study been conducted by a qualified professional to determine the effects of the project on each species and critical habitat?
 Yes No

Not applicable.

If Yes, continue.

If No, a special study should be conducted to determine the effects of the project on federally protected species and critical habitat. Continue.

- e. Has the RE made a determination based on professional findings that the project is “Not Likely to Adversely Affect” any federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats?
 Yes No

Not applicable.

If Yes, Service’s concurrence with findings is required. Mark box “B” on the Statutory Checklist for this authority.

If No, continue.

- f. Has the RE determined based on professional findings that the project “May Affect” federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), or adversely modify critical habitats?
 Yes No

Not applicable.

If Yes, formal consultation is required with the Services, in accordance with procedural regulations contained in 50 CFR Part 402, which mandates formal consultation in order to preserve the species. Mark box “B” on the Statutory Checklist for this authority.

If No, contact your FEO for assistance in determining impacts to federally protected species and critical habitat.

Comments:

Cite and attach source documentation: (Memorandum to the file by the RE supporting the finding of “No Effect.” Concurrence memo from one or both of the Services for a finding of “Not Likely to Adversely Affect.” Biological Opinion from one or both of the Services for a finding of “May Affect.”)

For additional information see:

(The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).

USFWS ESA Species Search:

<http://www.FWS.gov/endangered/species/index.html>

NMFS ESA Species Search:

<http://www.nmfs.noaa.gov/pr/species/esa/>

USFWS Critical Habitat Maps:

<http://crithab.FWS.gov/>

NMFS Critical Habitat Maps:

<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

Endangered Species Consultation Handbook:

http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf

7. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

- a.** Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes No

The project is for minor home repair.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is the project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system?

Yes No

The closest wild and scenic river is approximately 320 miles from Travis County.

If Yes, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers,

consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority. **If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Maps noting project location and showing proximity to protected rivers. Relevant determinations or results of consultation.)

For further information see:

National Park Service:

<http://www.rivers.gov/wildriverslist.html>

<http://www.rivers.gov/study.html>

National River Inventory (NRI) listed rivers: <http://www.nps.gov/ncrc/programs/rtca/nri/>

8. §58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]

- a. Does the project involve demolition or renovation of buildings likely to contain asbestos containing materials?
 Yes No

This project is for minor home rehabilitation.

If Yes, ensure the project is in compliance with EPA’s Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations. Continue.

If No, continue.

- b. Does the project involve, for five or more dwelling units, acquisition of undeveloped land, a change of land use, demolition, major rehabilitation, or new construction?
 Yes No

This project is for minor home rehabilitation.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c. Is the project located in a Non-Attainment area?
 Yes No

Not applicable.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. Is the project consistent with the air quality State Implementation Plan (SIP)?
 Yes No

Not applicable.

If **Yes**, obtain letter of consistency showing that the project is consistent with the SIP. Compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

If **No**, continue.

- e. Has EPA determined that the proposed activity is one that requires a permit under the SIP?

Yes No

Not applicable.

If **Yes**, continue.

If **No**, compliance is complete. Mark box “B” on the Statutory Checklist for this authority.

- f. Will project exceed any of the *de minimis* emissions levels of all non-attainment and maintenance level pollutants or exceed the screening level established by the state or air quality management district?

Yes No

Not applicable.

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority. Attach all documents used to make your determination (See Conformity determination thresholds at 40 CFR 93.153(b) Include engineering/construction assessments of emissions during construction and operating phases).

- g. Can project be brought into compliance through mitigation?

Yes No

Not applicable.

If **Yes**, list mitigation measures required to achieve conformance with SIP in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If **No**, Federal assistance may not be used at this location.

Comments:

Cite and attach source documentation: (Letter of consistency with SIP, assessment of emissions, air permits received, mitigation measures taken, etc.)

For further information see:

The Green Book Nonattainment Areas for Criteria Pollutants:

<http://www.epa.gov/oar/oaqps/greenbk/>

Region 6 Air State Implementation Plans:

<http://www.epa.gov/region6/6pd/air/pd-1/sip.htm>

9. §58.5(h) Farmlands Protection [7 CFR Part 658]

- a. Does the project involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance?

Yes No

The project is minor home rehabilitation.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is project located in an area committed (zoned) to urban uses?

Yes No

Not applicable.

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- c. Does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service)?

Yes No

Not applicable.

If Yes, request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands). Mark box “B” on the Statutory Checklist for this authority. Include mitigation measures in the mitigation section of the Statutory Checklist.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (Zoning map with project location noted. Form AD-1006 from NRCS.)

For additional information see:

NRCS Soil Maps:

<http://websoilsurvey.nrcs.usda.gov/app/>

Form AD-1006 and instructions:

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

- a.** Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?
 Yes No

st

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b.** Is the project located within:
- 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;
 Yes No
 - 1000 feet of a major highway or busy road;
 Yes No
 - within 3000 feet of a railroad.
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- c.** Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- d.** Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?

Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If No, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If Yes, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.)

For more information see:

HUD noise guidebook:

<http://www.hud.gov/offices/cpd/environment/review/noise.cfm>

<http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>

<http://www.hud.gov/offices/cpd/environment/mitigation.cfm>

<http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp>

FAA:

http://www.faa.gov/airports/planning_capacity/npias/reports/

11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Was a field observation performed by a qualified environmental professional which documents that there are above ground storage tanks within line of site of the project?

Yes No

- c. Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid

industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

Yes No

- d. Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes to any of the above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

If No to all of the above, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- e. Is the project located at an Acceptable Separation Distance from any aboveground explosive or flammable fuels or chemicals containers as calculated above?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- f. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Comments:

Cite and attach source documentation: (Maps with project location noted showing distance from explosives and flammable operations. ASD calculations/worksheet.)

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/explosive

12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

- a.** Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the density or number of people at the site?
 Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?
 Yes No

- c.** Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If **Yes** to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue.

If **No** to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d.** If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?
 Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).
 Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?
 Yes No

Not applicable for the Tier 1 clearance. A site specific review will be completed. See tiering procedures for additional information.

If Yes, HUD funds may not be used for this project.

If No, continue.

- g. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?
 Yes No

Not applicable. All sites will house people on a daily basis.

If Yes, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)

For further information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

13. §58.5(i) (2) Contamination and Toxic Substances

a. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal NPL Site List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	0.5		
Federal CERCLIS List	0.5		
Federal CERCLIS NFRAP Site List	0.5		
Federal RCRA CORRACTS Facilities List	1		
Federal RCRA Non-CORRACTS TSD Facilities List	0.5		
Federal RCRA Generators List	Property/Adjoining Properties		
Federal Institutional Control/Engineering Control Registries	Property Only		
Federal ERNS List	Property Only		
State- and Tribal-Equivalent NPL	1		
State- and Tribal-Equivalent CERCLIS	0.5		
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5		
State and Tribal Leaking Storage Tank Lists	0.5		
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties		
State and Tribal Institutional Control/Engineering Control Registries	Property Only		
State and Tribal Voluntary Cleanup Sites	0.5		
State and Trial Brownfield Sites	0.5		

b. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation		
Vent or Fill Pipes		
Storage Oil Tanks or Questionable Containers		
Pits, Ponds or Lagoons		

	Yes	No

Stained Soil or Pavement (other than water stains)		
Pungent, Foul or Noxious Odors		
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.		

c. Has the property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station			Vehicle Repair Shop		
Car Dealership			Auto Garage		
Depot			Commercial Printing Facility		
Industrial or commercial warehouses			Dry Cleaners		
Photo Developing Laboratory			Hospital		
Junkyard or landfill			Agricultural/Farming Operations		
Tannery			Live stock Operations		

d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

Yes No

e. Is the project site near an industry disposing of chemicals or hazardous wastes?

Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If Yes to any of the above, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

- f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?
 Yes No
- g. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

- h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. An ASTM Phase I ESA report is required for multifamily (5 or more units) and/or Non-residential properties.)
 Yes No
- i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- j. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue below.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- k. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- l. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?
 Yes No

Unknown at this time. A site specific review will be completed. See tiering procedures for additional information.

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority.

If No, HUD cannot provide assistance for the project at this site.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites. Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.)

For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

EPA Envirofacts Data:

<http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI):

http://www.epa.gov/enviro/html/toxic_releases.html

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR “ToxFAQs” summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

14. §58.5(j) Environmental Justice (E.O. 12898)

- a. Is the project located in or designed to serve a predominantly minority and low-income neighborhood?
 Yes No

The project is available in the unincorporated areas of Travis County and the Village of Webberville. It is not targeted to any particular neighborhood; however the project is intended to assist homeowners living at or below 80% of the Area Median Family Income.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If Yes, continue.

- b. Would there be an adverse environmental impact caused by the proposed action, or would the proposed action be subject to an existing adverse environmental impact?
 Yes No

Not Applicable.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If Yes, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

- c. Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?
 Yes No

Not Applicable.

If No, compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box “A” on the Statutory Checklist for this authority.

If Yes, Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process. Continue.

- d. Has the mitigation plan been approved by the RE and the impacted community?
 Yes No

Not Applicable.

If Yes, compliance with this section is complete. Include mitigation plan in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, Project cannot move forward until EJ issue is mitigated to the satisfactory of the RE and impacted community.

Comments:

Cite and attach source documentation: (Mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan.)

For additional information see:

EJ maps & analysis, by location:

<http://www.scorecard.org/community/ej-index.tcl>

EPA’s “EJ View” Tool provides information relevant to EJ assessments:

<http://epamap14.epa.gov/ejmap/entry.html>

Census data and maps also avail-able at:

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Tract-level data on race & income:

<http://www.ffiec.gov/geocode>

Compliance Checklist for 24 CFR §58.6, Other Requirements

Complete for all projects, including Exempt (§58.34), Categorically Excluded Subject to §58.5 [§58.35(a)], Categorically Excluded Not Subject to §58.5 [§58.35(b)] and Projects Requiring Environmental Assessments (§58.36)

Project Name: _____

ERR FILE # _____

1. §58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; national Flood Insurance Reform Act of 1994

- a. Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?
 Yes **No**

If No, compliance with this section is complete.
If Yes, continue.

- b. Is the project located in a FEMA identified Special Flood Hazard Area?
 Yes **No**

If No, compliance with this section is complete.
If Yes, continue.

- c. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
 Yes **No**

If Yes, Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.
If No, Federal assistance may not be used in the Special Flood Hazards Area.

Cite and attach source documentation: (Documentation should include a FEMA Flood Map showing project location in reference to flood zone designation. If flood map is not available, use best available information.)

For additional information see:
FEMA Map Service Center: <http://www.store.msc.fema.gov>
NFIP Community Status Book: www.fema.gov/fema/csb.shtm

2. **§58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501)**

- a. Does the project involve new construction, conversion of land uses, major rehabilitation, minor rehabilitation of existing structure, or acquisition of undeveloped land?

Yes No

If No, compliance with this section is complete.

If Yes, continue below.

- b. Is the project located in a coastal barrier resource area?

Yes No

If No, compliance with this section is complete.

If Yes, Federal assistance may not be used in such an area.

Cite and attach source documentation: (Documentation should include map (e.g. Google Earth) noting project distance from Coastal Barrier Resources.) For more information see: CBRS maps on US FWS and FEMA websites:

<http://www.FWS.gov/CBRA>

<http://www.FWS.gov/CBRA/Maps/index.html>

3. **§58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]**

- a. Does the project involve the sale or purchase of existing property?

Yes No

If No, compliance with this section is complete.

If Yes, continue below.

- b. Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear Zone) or within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes No

If No, compliance with this section is complete.

If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or 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, and a copy of the signed notice must be maintained in this ERR.

Cite and attach source document (Map indicating project site in proximity to end of runway):

For more information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

Authorized Responsible Entity Name (printed)

Title (printed)

Appendix A:
Site Specific Environmental
Determination Strategy

Appendix A Site Specific Determination Strategy

Travis County has chosen to tier its environmental review of its housing rehabilitation programs. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the unincorporated areas of the county. Tiering is appropriate in this case when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

The following section will discuss in detail how each site (once chosen) will comply with laws outlined by HUD and required under 24 CFR 58.5 for home rehabilitation and related improvement activities.

Historic Preservation

According to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470 et seq.), Federal agencies are required to assess the effects of their undertakings on historic sites. This action affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on the project's impact. In the event that sites fall under this law, Travis County staff will adhere to the following guidelines.

1. At each site, Travis County will determine whether the project could affect historic properties by taking pictures and completing the worksheet (Appendix A, Attachment 1) and appropriate supporting documentation. According to Section 106, historic properties as they pertain to federal undertakings include any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places.

- 2a. In the case that a home rehabilitation has the potential to affect a historic property, Travis County must consult with the State Historic Preservation Officer (SHPO) with the Texas Historical Commission to request a formal determination of eligibility for the National Register of Historic Places from the Texas Historical Commission. The request will include a photographic survey of the property and surrounding neighborhood, a county map with the property's geographic location, and a description of the type of work that is being considered. If the Texas Historical Commission agrees with the determination of the property as historic, it will develop a memorandum of agreement to assess possible adverse effects on the historic property based on the Secretary of the Interior's standards for rehabilitation. The memorandum of agreement outlines agreed-upon measures that the County will take to ensure the avoidance, mitigation and/or minimization of the adverse effects on historic properties.

- 2b. In the event that Travis County determines that no historic properties are present or potentially affected, it shall provide documentation to the Texas Historical Commission which grants a thirty day time-period for any objection to be raised. If the Texas Historical Commission has no objection, Travis County will proceed without any further Section 106 obligations.

Floodplain Management

Executive Order 11988, "Floodplain Management," requires Federal agencies to avoid actions, to the extent practicable that will result in the location of facilities in floodplains and/or affect floodplain values. HUD regulations for protecting floodplains (*24 CFR Part 55 Floodplain Management*) restrict financial support for projects located within the designated 100-year floodplain, unless it can be demonstrated that there are no practicable alternatives outside of the floodplain. No practical alternatives means that the agency cannot; (a) avoid to the extent possible long and short term adverse impacts associated with the occupancy and modification of floodplains, and (b) avoid direct development within or modification of floodplains, wherever there is a practical alternative.

For each specific property, documentation will be provided to including a map of the FEMA panel and site location and provide a determination of whether or not the site is located in a 100 year flood plain. If so, the site will be denied assistance for the project due to project specific guidelines that restrict the repairs to houses in the flood plain. While the County may go through a lengthy process to allow for repairs in the flood plain including requiring flood insurance, the Program has decided to not to do so.

Noise

Activities may be located in areas with a day-night average sound level with cannot exceed 65 decibels or an unacceptable noise level. Staff will complete the Appendix A, Attachment 1 and required documentation.

Sites that appear to exceed the acceptable noise levels will be required under HUD regulations to consider noise attenuation measures. For a project where all activities are located in noise exposed areas, noise attenuation features will be encourages to be conducted through alterations such as insulation, double pane windows instead of single pane window, weather-stripping on doors, removing mail slots, or replacing a solid wood door with an insulated steel door.

Construction activities must conform to International Residential Code, energy conservation measures, safety measures and acceptable building practices.

Airport/ Runway Clear Zones

Determination of whether the activity is located at the end of a runway must occur. HUD does not fund new construction in a Clear Zone. However, due to the nature of this home rehabilitation project, no new construction will be created.

Toxic Chemicals and Radioactive Material

All properties where activities will occur must be free of hazardous materials, contamination, toxic chemicals, and gasses and radioactive substances according to HUD guidelines, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

Travis County staff will make a determination if the property is free of hazardous materials, contamination, toxic chemicals and gases and radioactive substances at the time that the property is inspected, and complete Attachment 1.

Explosive and Flammable Operations

All properties where activities occur will be at an Acceptable Separation Distance from industrial facilities handling explosive or fire-prone materials, planned or stationary above ground storage tanks of more than 100 gallon capacity containing common industrial fuel or of any capacity containing hazardous liquids or gases that are not liquid industrial fuels.

Travis County staff will identify if any such facilities or tanks are within proximity, complete the Site Specific Checklist and make a determination if the property is at an Acceptable Separation Distance.

Appendix A, Attachment 1

Site Specific Environmental Determination Worksheet Travis County Owner Occupied Home Rehabilitation Worksheet

Address: _____

1. §58.5(a) Historical Properties [36 CFR Part 800]

Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?

Yes No

If Yes, continue.

If No, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?

Yes No

If Yes, document compliance with the PA. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

- c. Is the project located within or directly adjacent to a historic district?

Yes No

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?

Yes No

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project's Area of Potential Effect (APE)?

Yes No

If Yes any of the questions above, continue.

If No to all of the questions above, the project will not affect historic properties. A concurrence from the SHPO that "no historic properties will be affected" is

required. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”

Yes No

If Yes, continue.

If No, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?

Yes No

If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, continue with consultation until resolved.

Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations

- i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or viewshed from an observation point in the natural landscape;
- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create skyglow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

Yes No

If Yes, continue.

If No, tribal consultation is not required.

- j. Does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?
(http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal)

Yes No

If Yes, contact federally recognized tribe(s) and invite consultation. Continue.

If No, document the result in the ERR. Tribal consultation is not required.

- k. Did the tribe(s) respond that they want to be a consulting party?

Yes No

If Yes, continue.

If No, (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

- l. After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project's APE?

Yes No

If Yes, continue.

If No, notify tribe(s) and other consulting parties of your finding of "No Historic Properties Affected." Tribe(s) has 30 days to object to a finding.

- m. After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?

Yes No

If Yes, consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects.

If No, notify tribe(s) and other consulting parties of your finding of "No Adverse Effects." Tribe(s) has 30 days to object to a finding.

- n. Were any objections to a finding received from a consulting tribe?

Yes No

If Yes, continue with consultation until resolved.

If No, consultation is complete.

Comments:

Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of “no potential to cause effects” to historic properties was made.)

Information Resources:

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO’s:

<http://www.nathpo.org/map.html>

HUD Tribal Directory Assessment Tool (TDAT):

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal

Section 106 Agreements Database:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106

2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

- a. Does the project include minor repairs or improvements on up to four dwelling units that do not meet the thresholds for “substantial improvement” under §55.2(b)(8)?

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- b. Is the project located within (or have an impact on) a 100 year floodplain (Zones A or V) identified by FEMA maps?

Yes No

- c. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

Not applicable.

If Yes to (b) or (c), follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices. Mark box “B” on the Statutory Checklist for this authority.
If No to (b) and (c), compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see:
FEMA Map Service Center:
<http://www.store.msc.fema.gov>

10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project located within:
- 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;
 Yes No
 - 1000 feet of a major highway or busy road;
 Yes No
 - within 3000 feet of a railroad.
 Yes No

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?

Yes No

If No, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If Yes, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.)

For more information see:

HUD noise guidebook:

<http://www.hud.gov/offices/cpd/environment/review/noise.cfm>

<http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>

<http://www.hud.gov/offices/cpd/environment/mitigation.cfm>

<http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp>

FAA:

http://www.faa.gov/airports/planning_capacity/npias/reports/

11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Was a field observation performed by a qualified environmental professional which documents that there are above ground storage tanks within line of site of the project?

Yes No

- c. Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

Yes No

- d. Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

Yes No

If Yes to any of the above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- e. Is the project located at an Acceptable Separation Distance from any aboveground explosive or flammable fuels or chemicals containers as calculated

Yes? No
Yes No

If Yes, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

- f. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

Yes No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.
If No, HUD assistance cannot be used for this project.

Comments:

Cite and attach source documentation: (Maps with project location noted showing distance from explosives and flammable operations. ASD calculations/worksheet.)

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/rev_iew/explosive

12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

- a.** Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the density or number of people at the site?
 Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b.** Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?
 Yes No

- c.** Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?
 Yes No

If **Yes** to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue.

If **No** to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?

Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).

Yes No

If **Yes**, attach copy of written assurance from airport operator. Mark box "B" on the Statutory Checklist for this authority.

If **No**, HUD funds may not be used for this project.

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?

Yes No

If **Yes**, HUD funds may not be used for this project.

If **No**, continue.

- g. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?

Yes No

Not applicable. All sites will house people on a daily basis.

If **Yes**, attach copy of written assurance from airport operator. Mark box "B" on the Statutory Checklist for this authority.

If **No**, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)

For further information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

13. §58.5(i) (2) Contamination and Toxic Substances

a. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal NPL Site List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	0.5		
Federal CERCLIS List	0.5		
Federal CERCLIS NFRAP Site List	0.5		
Federal RCRA CORRACTS Facilities List	1		
Federal RCRA Non-CORRACTS TSD Facilities List	0.5		
Federal RCRA Generators List	Property/Adjoining Properties		
Federal Institutional Control/Engineering Control Registries	Property Only		
Federal ERNS List	Property Only		
State- and Tribal-Equivalent NPL	1		
State- and Tribal-Equivalent CERCLIS	0.5		
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5		
State and Tribal Leaking Storage Tank Lists	0.5		
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties		
State and Tribal Institutional Control/Engineering Control Registries	Property Only		
State and Tribal Voluntary Cleanup Sites	0.5		
State and Tribal Brownfield Sites	0.5		

b. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation		
Vent or Fill Pipes		

Storage Oil Tanks or Questionable Containers		
Pits, Ponds or Lagoons		

	Yes	No
Stained Soil or Pavement (other than water stains)		
Pungent, Foul or Noxious Odors		
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.		

c. Has the property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station			Vehicle Repair Shop		
Car Dealership			Auto Garage		
Depot			Commercial Printing Facility		
Industrial or commercial warehouses			Dry Cleaners		
Photo Developing Laboratory			Hospital		
Junkyard or landfill			Agricultural/Farming Operations		
Tannery			Live stock Operations		

d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?

Yes No

e. Is the project site near an industry disposing of chemicals or hazardous wastes?

Yes No

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If Yes to any of the above, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of

hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

- f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

Yes No

- g. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?

Yes No

If Yes, continue.

If No, provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

- h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. An ASTM Phase I ESA report is required for multifamily (5 or more units) and/or Non-residential properties.)

Yes No

- i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II or recommend Phase III environmental site assessments?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- j. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?

Yes No

If Yes, continue below.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- k. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic

substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- I. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?

Yes No

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box "B" on the Statutory Checklist for this authority.

If No, HUD cannot provide assistance for the project at this site.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites. Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.)

For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous

EPA Envirofacts Data:

<http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI):

http://www.epa.gov/enviro/html/toxic_releases.html

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR "ToxFAQs" summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Summary of Mitigation Measures:

Compliance Checklist for 24 CFR 58.8 must be completed. Please attach and include any mitigation measures not reflected on this worksheet.

Yes No **The project is cleared and work may proceed; or**

The project is not cleared and work may not proceed for the following reasons:

Signature of Preparer

Date

Printed Name of Preparer

Signature of the RE Authorized Official

Date

Printed name of the RE Authorized Official

Compliance Checklist for 24 CFR §58.6, Other Requirements

Complete for all projects, including Exempt (§58.34), Categorically Excluded Subject to §58.5 [§58.35(a)], Categorically Excluded Not Subject to §58.5 [§58.35(b)] and Projects Requiring Environmental Assessments (§58.36)

Project Name: _____

ERR FILE # _____

1. §58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; national Flood Insurance Reform Act of 1994

- a. Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?
 Yes **No**

If No, compliance with this section is complete.
If Yes, continue.

- b. Is the project located in a FEMA identified Special Flood Hazard Area?
 Yes **No**

If No, compliance with this section is complete.
If Yes, continue.

- c. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
 Yes **No**

If Yes, Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.
If No, Federal assistance may not be used in the Special Flood Hazards Area.

Cite and attach source documentation: (Documentation should include a FEMA Flood Map showing project location in reference to flood zone designation. If flood map is not available, use best available information.)

For additional information see:
FEMA Map Service Center: <http://www.store.msc.fema.gov>
NFIP Community Status Book: www.fema.gov/fema/csb.shtm

2. **§58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501)**

- a. Does the project involve new construction, conversion of land uses, major rehabilitation, minor rehabilitation of existing structure, or acquisition of undeveloped land?

Yes No

If No, compliance with this section is complete.

If Yes, continue below.

- b. Is the project located in a coastal barrier resource area?

Yes No

If No, compliance with this section is complete.

If Yes, Federal assistance may not be used in such an area.

Cite and attach source documentation: (Documentation should include map (e.g. Google Earth) noting project distance from Coastal Barrier Resources.) For more information see: CBRS maps on US FWS and FEMA websites:

<http://www.FWS.gov/CBRA>

<http://www.FWS.gov/CBRA/Maps/index.html>

3. **§58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]**

- a. Does the project involve the sale or purchase of existing property?

Yes No

If No, compliance with this section is complete.

If Yes, continue below.

- b. Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear Zone) or within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes No

If No, compliance with this section is complete.

If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or 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, and a copy of the signed notice must be maintained in this ERR.

Cite and attach source document (Map indicating project site in proximity to end of runway):

For more information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

Authorized Responsible Entity Signature

Date

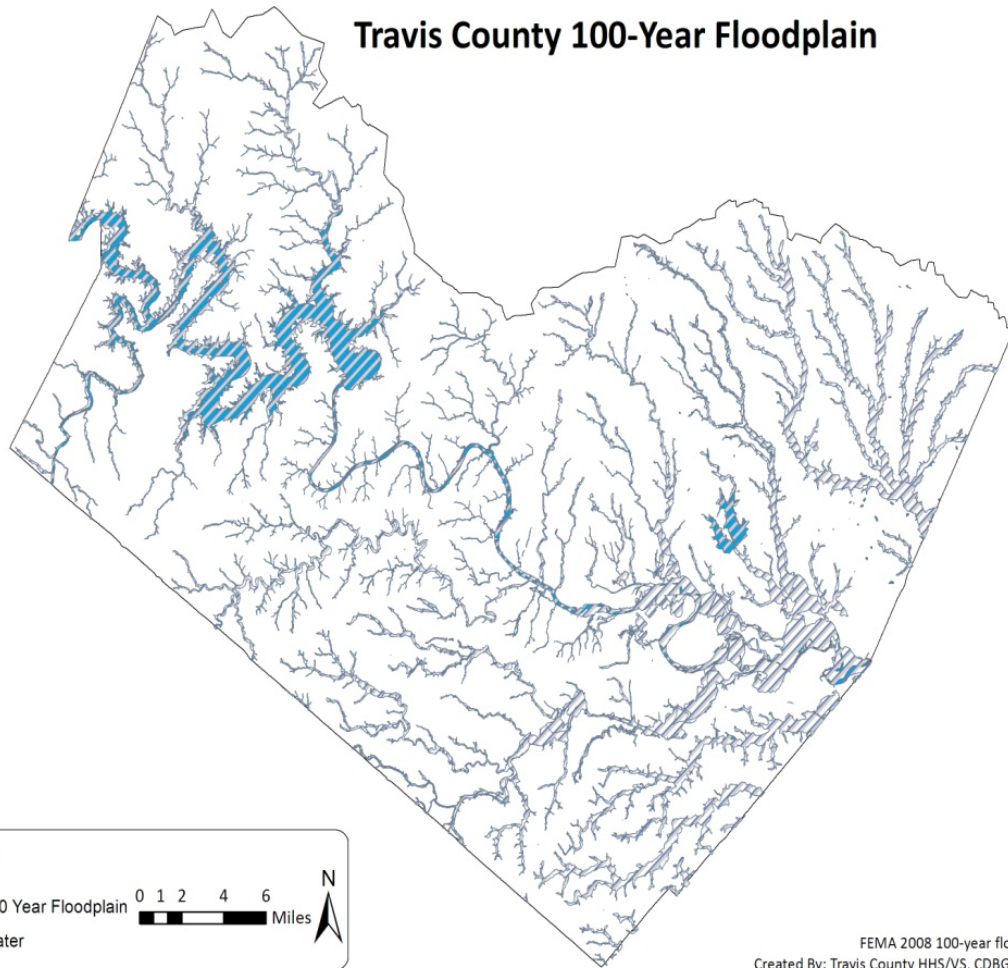
Authorized Responsible Entity Name (printed)

Title (printed)

Appendix B:
Tier One
Supporting Documentation
Maps & Figures

FLOODPLAIN MANAGEMENT

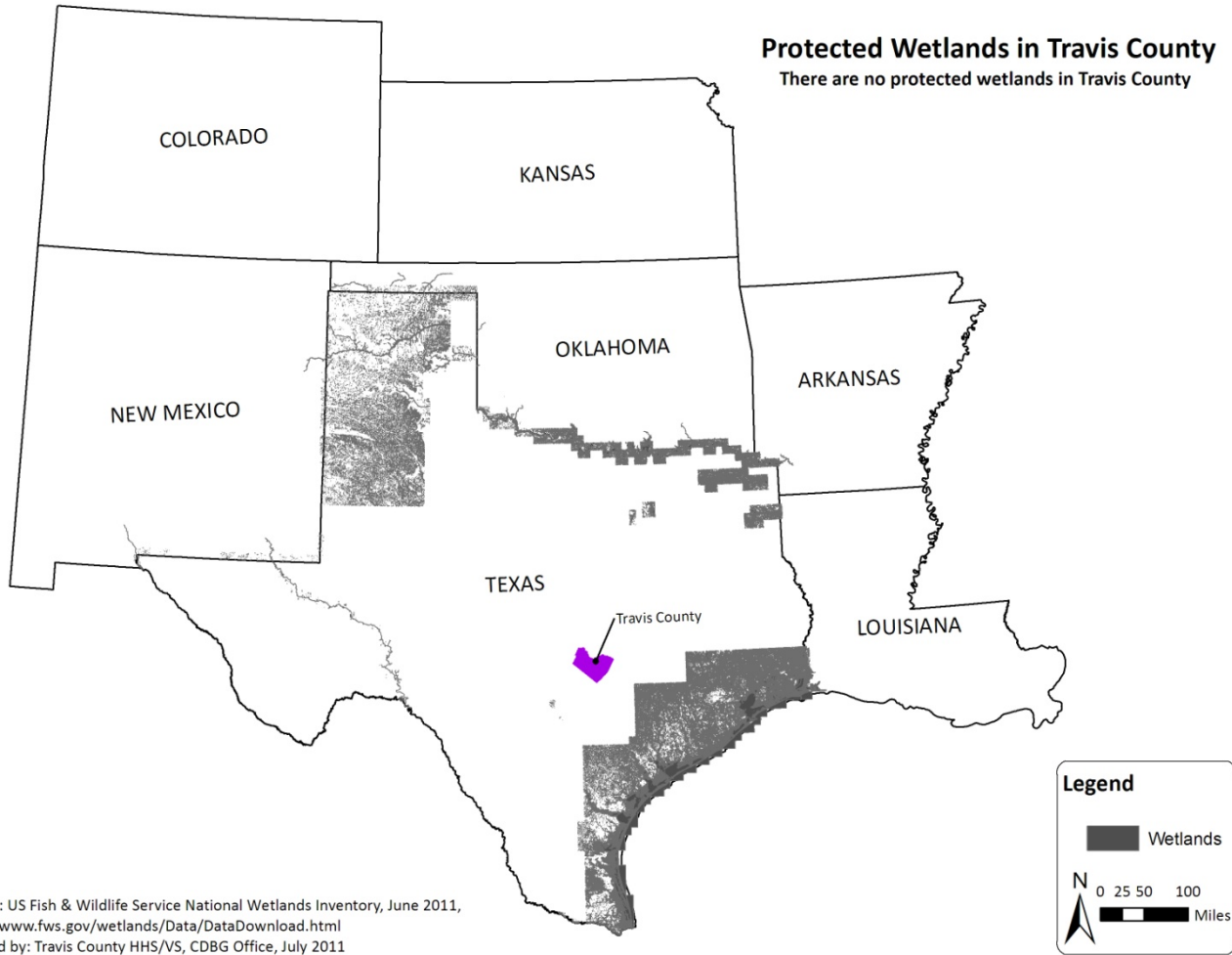
Map 1



FEMA 2008 100-year floodplain data
Created By: Travis County HHS/VS, CDBG Office, 2011

WETLAND PROTECTION

Map 2

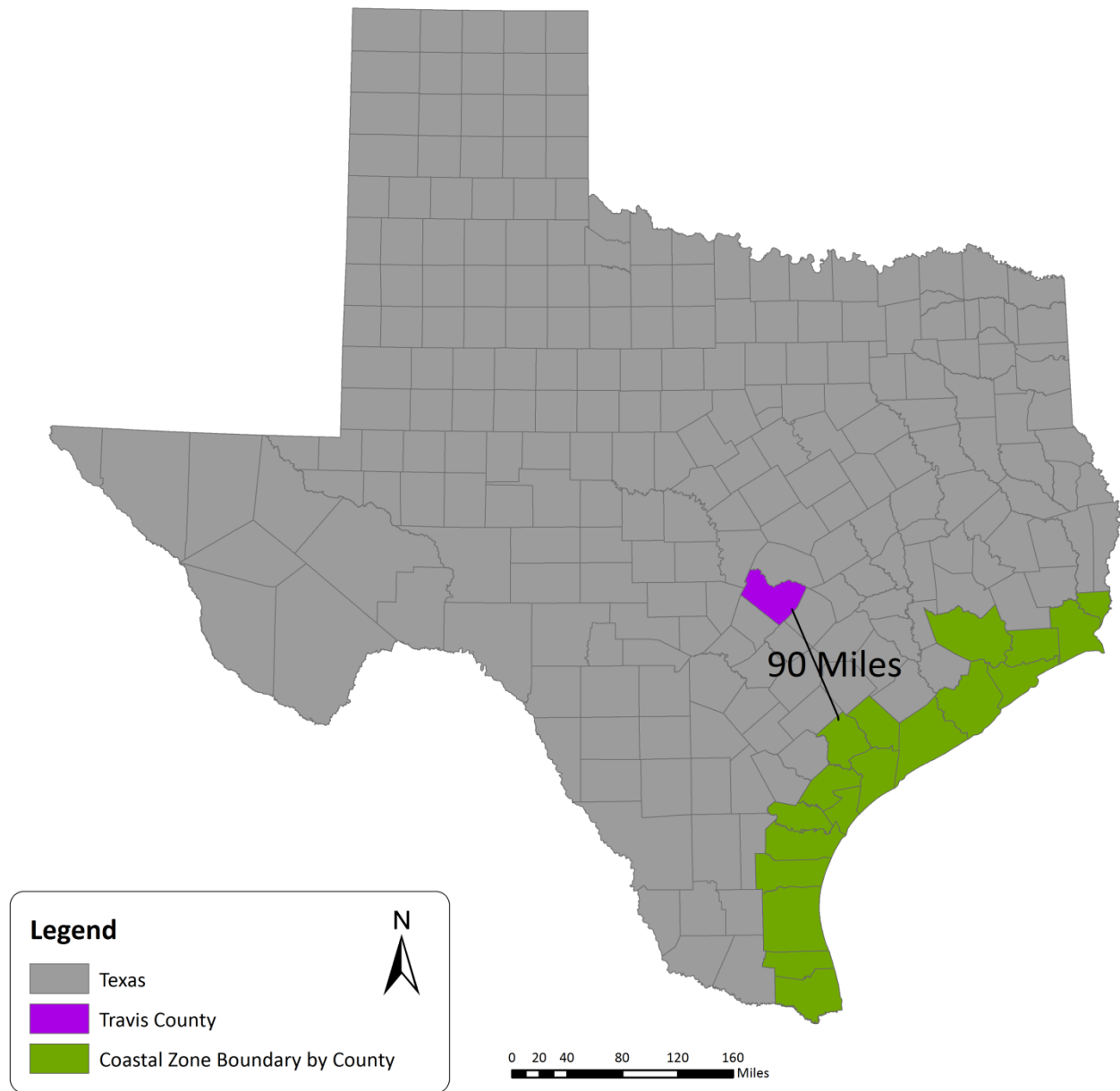


Source: US Fish & Wildlife Service National Wetlands Inventory, June 2011,
<http://www.fws.gov/wetlands/Data/DataDownload.html>
Created by: Travis County HHS/VS, CDBG Office, July 2011

COASTAL ZONE MANAGEMENT

Coastal Zone Management Travis County, TX and Coastal Zone Boundary by County

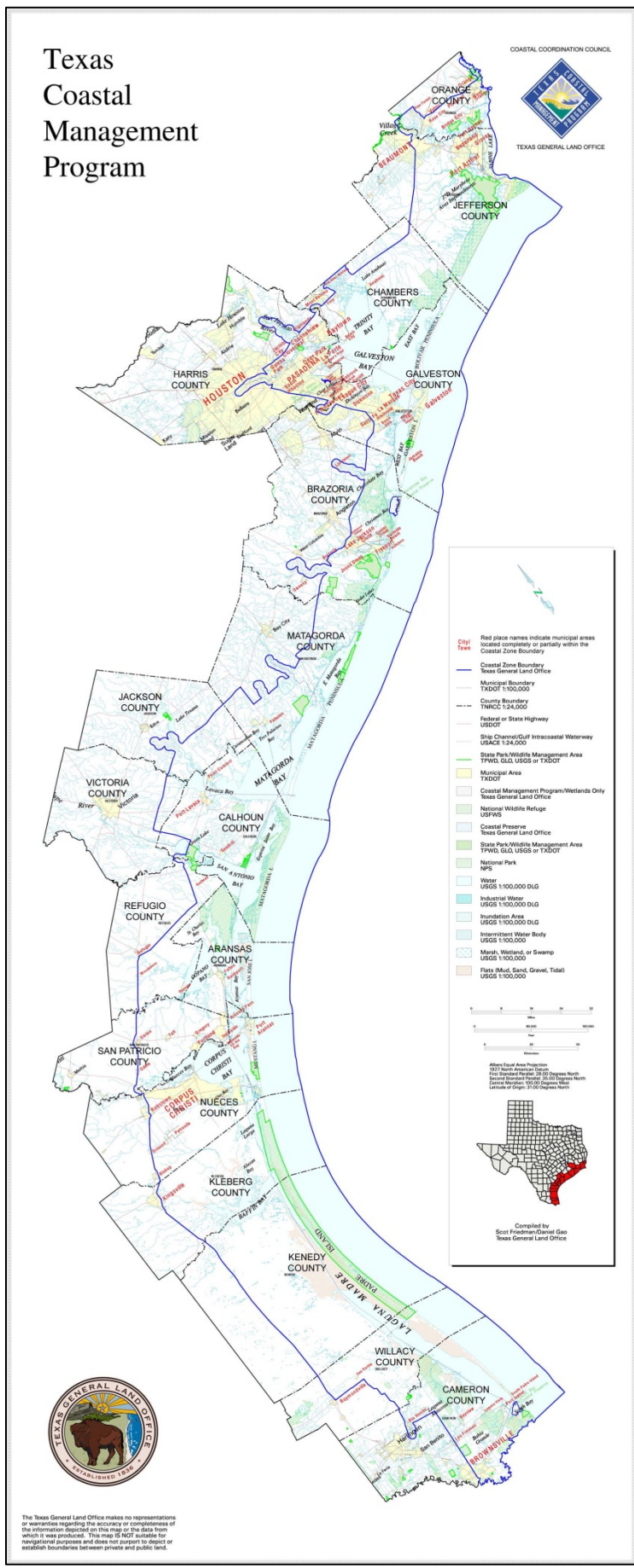
The distance from Travis County to
nearest coastal counties (Jackson/Victoria County)
is approximately 90 miles.



Source: Texas General Land Office, Texas Coastal Management Program.
http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_documents/landing-page-folder/CoastalBoundaryMap.pdf
Created By: Travis County HHS/VS, CDBG Office, 2012.

Map 4

Texas Coastal Management Program



Legend

- Red place names indicate municipal areas located completely or partially within the Coastal Zone Boundary
- Coastal Zone Boundary Texas General Land Office
- Municipal Boundary TXDOT 1:100,000
- County Boundary THRCIS 1:24,000
- Federal or State Highway USDOT
- Ship Channel/Gulf Intracoastal Waterway USACE 1:24,000
- State Park/Wildlife Management Area TPWD, GLO, USGS or TXDOT
- Municipal Area TXDOT
- Coastal Management Program/Wetlands Only Texas General Land Office
- National Wildlife Refuge USFWS
- Coastal Preserve Texas General Land Office
- State Park/Wildlife Management Area TPWD, GLO, USGS or TXDOT
- National Park NPS
- Water USGS 1:100,000 D/G
- Industrial Water USGS 1:100,000 D/G
- Foundation Area USGS 1:100,000 D/G
- Intermittent Water Body USGS 1:100,000
- Marsh, Wetland, or Swamp USGS 1:100,000
- Flats, Mud, Sand, Gravel, Tidal USGS 1:100,000

Scale: 0 10 20 Miles

0 10 20 Kilometers

Albers Equal Area Projection
 292° North American Datum
 Easting: 660,000.0000000000
 Northing: 1,000,000.0000000000
 Central Meridian: 100.00 Degrees West
 Latitude of Origin: 31.00 Degrees North

Compiled by
 Scott Friedman/Charles Geo
 Texas General Land Office

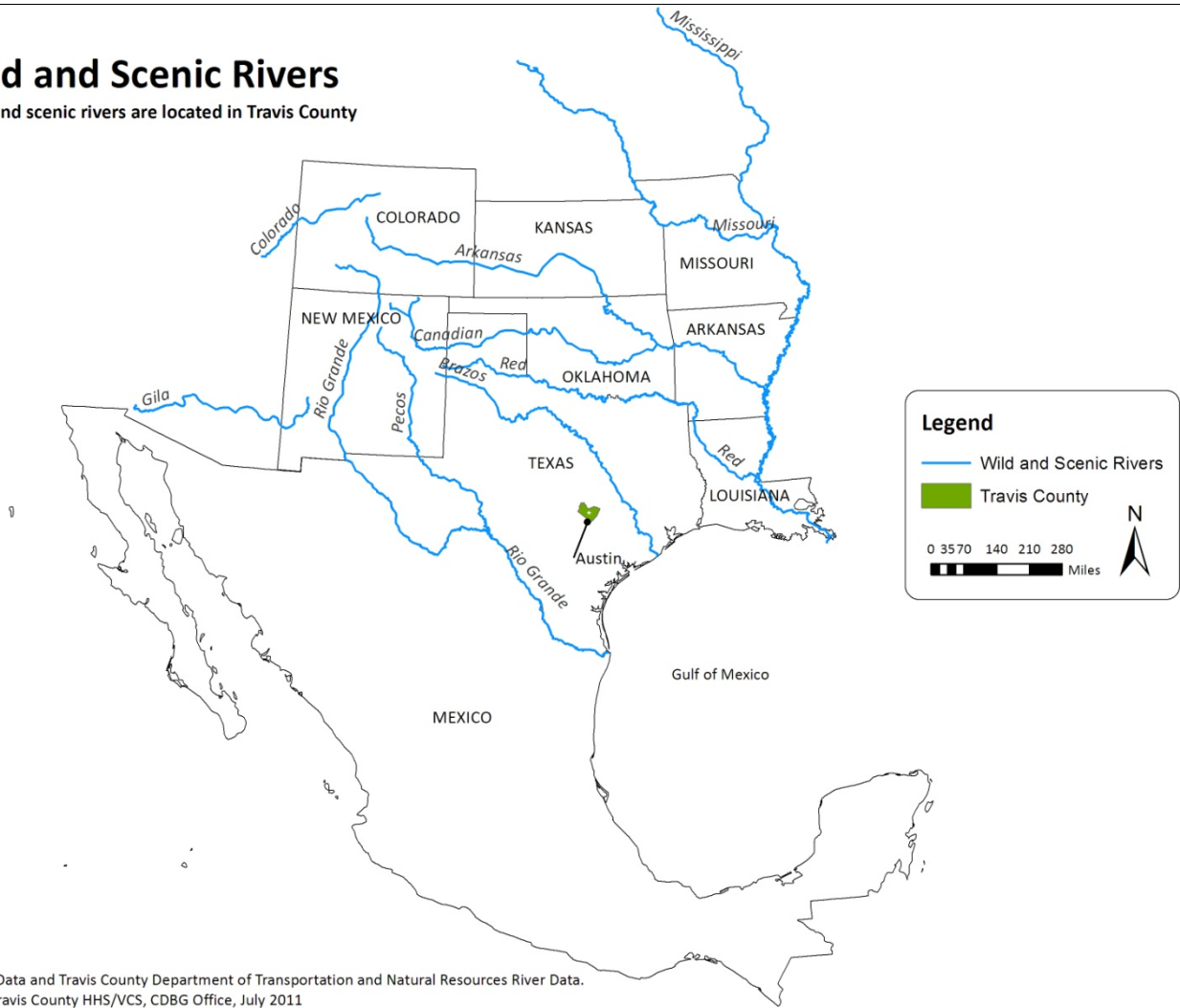


The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map is NOT suitable for navigational purposes and does not purport to depict or establish boundaries between private and public land.

WILD AND SCENIC RIVERS

Wild and Scenic Rivers

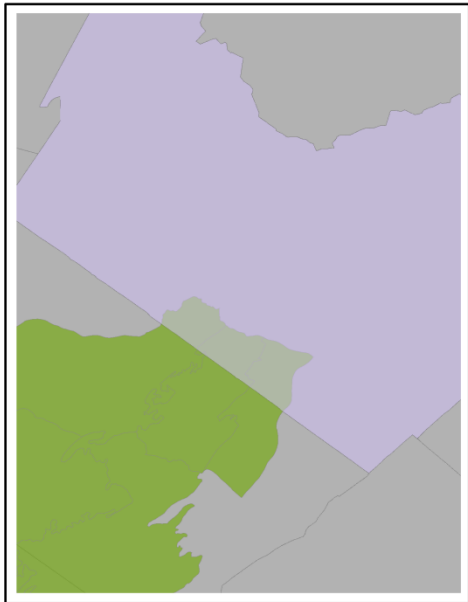
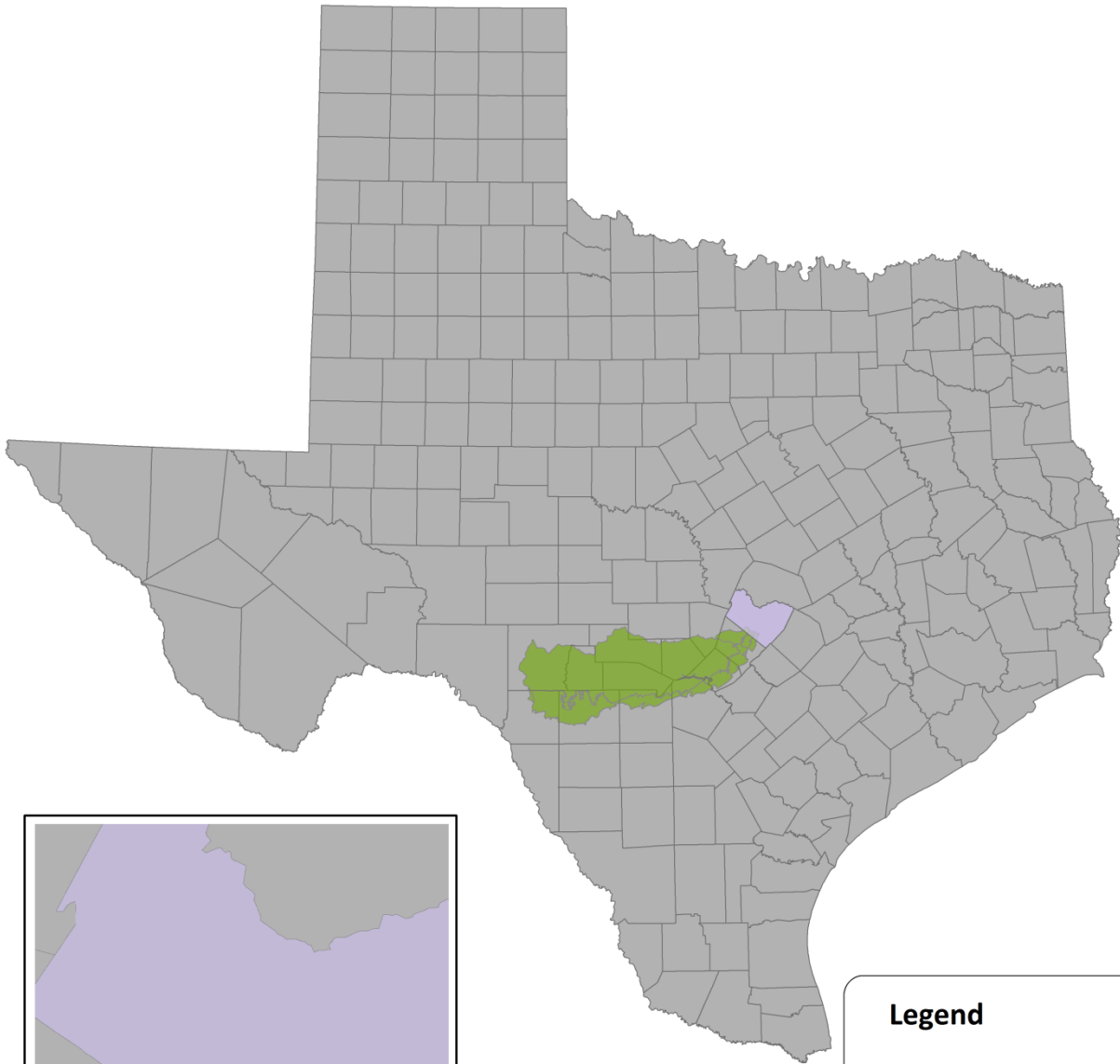
No wild and scenic rivers are located in Travis County



Source: ESRI Data and Travis County Department of Transportation and Natural Resources River Data.
Created by: Travis County HHS/VCS, CDBG Office, July 2011

SOLE SOURCE AQUIFERS

Sole Source Aquifer Edwards Aquifer (Travis County, Texas)



Legend

- Texas
- Travis County
- Sole Source Aquifers - Edwards I and II

0 25 50 100 150 200 Miles

Source: EPA, <http://www.epa.gov/region6/water/swp/ssa/maps.htm>
Last updated August 20, 2012, Date accessed December 14, 2012.

Created By: Travis County HHS/VS, CDBG Office, 2012

Edwards Aquifer and Contributing Areas

BURNET

WILLIAMSON




BLANCO

BASTROP

HAYS

CALDWELL

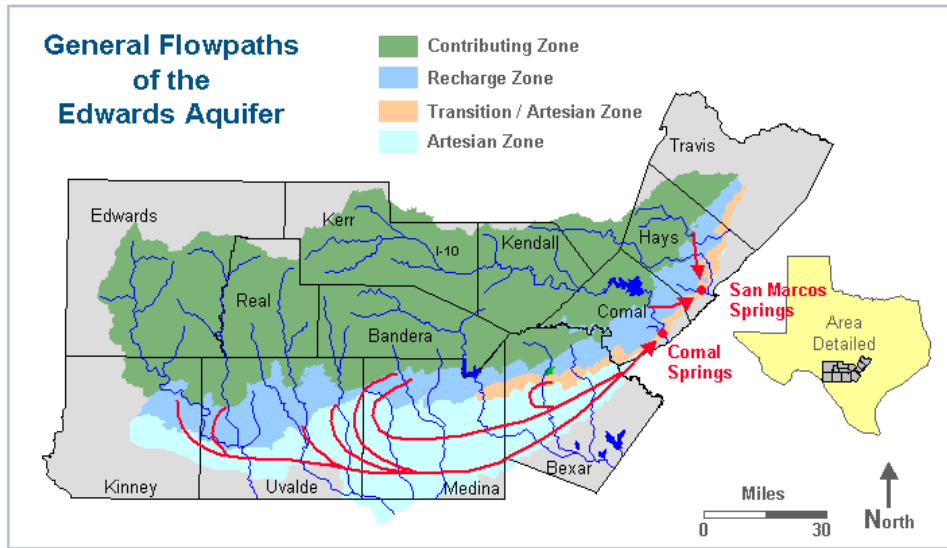
Legend

-  Contributing Areas
-  Recharge Zone
-  Travis County

Source: City of Austin GIS Website
ftp://ftp.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html;
2008 Edwards Aquifer Data Downloaded from USGS.gov.
Created By: Travis County HHS/VS, CDBG Office, 2012

Figure 1

General Flowpaths of the Edwards Aquifer



Source: <http://www.edwardsaquifer.net/geology.html>, last updated 1997. Date Accessed December 14, 2012.

Figure 2

Counties/Parishes within EPA Region 6 Sole Source Aquifers

AQUIFER NAME	ZONE	STATE	STCOFIPS	COUNTY/PARISH
EDWARDS AQUIFER II	ARTESIAN ZONE	TX	48453	TRAVIS
EDWARDS AQUIFER II	RECHARGE ZONE	TX	48453	TRAVIS
EDWARDS AQUIFER II	STREAMFLOW SOURCE AREA	TX	48453	TRAVIS

Source: EPA website <http://www.epa.gov/region6/water/swp/ssa/maps.htm>. Sole Source Aquifers, Counties/Parishes within EPA Region 6 Excel Spreadsheet, Downloaded 12/13/12

Appendix C:
Memorandum Regarding
Endangered Species

MEMORANDUM

To: Judge Samuel T. Biscoe
Travis County Judge
PO Box 1748
Austin, TX 78767

From: Christy Moffett
CDBG Planning Project Manager
PO Box 1748
Austin, TX 78767

Date: December 14, 2012

Re: Travis County Home Rehabilitation Program, Tier 1 Environmental Clearance

According to §58.5(e) Endangered Species [50 CFR Part 402], Travis County finds that its Home Rehabilitation Program is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary.

The program will include:

Rehabilitation or renovation activities associated with existing structures (e.g., houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation.

Therefore, this project involves the type of activities that are likely to have “no effect on endangered species and Travis County finds that no consultation with US Fish and Wildlife Service or the National Marine Fisheries Service (Services) will be necessary for environmental clearance under the The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).