



Travis County Commissioners Court AGENDA REQUEST

Meeting Date: December 9, 2014

Prepared By/Phone Number: Christy Moffett / 512-854-3460

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 environmental documents for Travis County's Community Development Block Grant Owner-Occupied Home Rehabilitation Program with funding provided by HUD:

- A. Approve the certification of exemption for the Program Year 2013 project delivery costs effective March 31, 2014;
- B. Certify the results of the Program Year 2014 Tier One;
- C. Approve postings to notify the public of the certification of the Tier One and of the Notice of Intent to Request Release of Funds;
- D. Authorize the submission to the HUD San Antonio Region VI field office if no comments are received during the ten day posting period;
- E. Authorize the County Judge to sign the required forms; and
- F. Delegate authority to the County Executive of Health and Human Services and Veterans Service to sign subsequent site specific environmental reviews.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Environmental Review Requirements

Every CDBG 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 other actions that would otherwise apply to HUD under the National

Environmental Policy Act (NEPA) and other provisions of NEPA, as specified in 24 CFR §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 continue funding 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 and/or design for improvements.

These funds are targeted toward homeowners at or below 80% Median Family Income (MFI) in the CDBG service area. This project will be administered by Meals on Wheels and More, Inc., designated as a subrecipient, who was identified through a formal application during PY13, and who has been administering the CDBG Home Rehabilitation Program since its inception. Additionally, some of the allocation will partially fund a CDBG Planner position to complete environmental reviews and associated paperwork and final inspections and sign off, and for any other related project delivery costs.

A. After review of the environmental file, staff noticed that the certificate of exemption to allow project delivery costs for the Program Year 2013 funding had not been executed. These costs include client intake, site specific environmental reviews, outreach and other direct project costs that are not related to construction, but necessary for project implementation. The certificate of exemption needs to be signed and dated back to March 31, 2014. See **Attachment A** for the **certificate of exemption**.

B. The appropriate level of environmental review for the CDBG Home Rehabilitation Program is Categorically Excluded Activity Subject to §58.5. This means that although the activity is categorically excluded from NEPA requirements, the grantee must nevertheless demonstrate compliance with the laws, authorities, and the Executive Orders listed in §58.5. The CDBG Home Rehabilitation Program falls under this category of environmental review because the following conditions (per 24 CFR Part 58.35(a)(3)(i)) are met:

- Only residential properties with one to four units will be rehabilitated,
- The density is not increased beyond four units, and
- The land use is not changed.

The CDBG Office has chosen to tier its environmental review of the housing rehabilitation program in a similar manner as was done previously. 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. Tiering is appropriate 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 initially feasible and a narrow or more focused analysis is better done at a later date.

Due to the nature of this program, specific sites will require additional review based on their location within the CDBG service area. Site specific reviews will contain information on Historic Properties, Floodplain Management, Wetland Protection, Airport Hazards, and Contamination and Toxic Substances. Subsequent site-specific reviews will not require notices or a Request for Release of Funds unless the Certifying Officer determines that there are unanticipated impacts or impacts not adequately addressed in the prior review. The remaining areas of environmental review are covered in the Tier One environmental review since they are repetitive. **Attachment B** includes the complete **Tier One** review.

Appendix A-1 of Attachment B is the form to be used to clear the Tier One, or broad level, review (*"Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR §58.35(a)"*). **Page 7 of Appendix A-1 in Attachment B** requires the Certifying Officer's (County Judge) signature to certify the results of the PY14 Tier One.

- C. For Travis County to be able to move forward with contracting the funds, the results of the Tier One and a Notice of Intent/ Request for Release of Funds (**NOI/RROF**) must be completed. To do this, a notice, **Attachment C**, must be posted to notify the public of Travis County's 10-day comment period and HUD's 15-day comment period. After satisfactorily meeting both comment periods, HUD can release the funds for construction use. Travis County's comment period is proposed to start December 10, 2014 and last through December 22, 2014. HUD's 15-day comment period begins after receipt of the RROF which staff anticipates will be on or about December 24, 2014.

The posting will be placed on the Travis County website, the seven Travis County Community Centers, Commissioners Court Members' Offices, and the Ned Granger building. Additionally, notices will be 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 project's environmental review and HUD's 15-day comment period to allow the release of funds. Staff requests that the Judge approve the NOI/RROF postings.

- D. Typically, no comments are received during the 10-day comment period. In order to be more expeditious, staff would like to refrain from coming back to the Commissioners Court to report that no comments were received prior to the Court authorizing submission to HUD. If any comments are received, staff would bring the item back to the Commissioners Court prior to submission to HUD. HUD Form 7015.15 (Attachment D) is all that is submitted to HUD for this process. Staff requests authorization to submit HUD Form 7015.15 to the HUD San Antonio Region VI field office if no comments are received during the 10-day posting period.
- E. Per 24 CFR Part 58.2(A)(2), the Certifying Officer *"means the official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities of Sec. 58.13."* Furthermore, in 24 CFR Part 58.13, it states *"Under the terms of the certification required by Sec. 58.71, a responsible entity's certifying officer is the "responsible Federal official" as that term is used in section 102 of NEPA and in statutory provisions cited in Sec. 58.1(b). The Certifying Officer is therefore responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5. The Certifying Officer must also:*

- 1) *Represent the responsible entity and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court; and*
- 2) *Ensure that the responsible entity reviews and comments on all EISs prepared for Federal projects that may have an impact on the recipient's program."*

In the past, the County Attorney's Office has determined that the County Judge is identified as the Certifying Official; and is therefore responsible for signing the forms on behalf of the County. The required forms are all contained within the Tier One document attached.

F. For PY2012 and PY2013 home rehabilitation site specific determinations, the Commissioners Court delegated authority to the County Executive for Health and Human Services and Veterans Service to sign off on the work rather than bringing numerous requests to Court.

For this project, it is possible that upwards of 20 homes will be repaired using these funds over the next twelve months which would mean at least 20 agenda items. Additionally, each home will have a different time frame for construction to start. Therefore, in the interest of time and efficiency in handling these transactions, the CDBG Office found that the Certifying Officer is allowed to delegate signature authority as per the excerpt below from HUD's Region VI Environmental Office Compliance Book (May 2012, page 3):

Certifying Officer

1. *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.*
2. *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.*
3. *A formal written delegation is required to transfer Certifying Officer responsibility from Governor, Mayor, City Manager, or elected county judge to another individual. This written documentation must be included as part of the Environmental Review Record.*

4. *The Certifying Officer ensures all project mitigation and conditions are included in awards, contracts and other agreements pertaining to the project.*
5. *Although the Certifying Officer must sign the RROF, s/he does NOT need to approve or sign environmental review forms. A manager within the RE's agency may be authorized to approve and sign environmental review forms on the RE's behalf.*

For the home rehabilitation project, the County Judge (as the Certifying Officer) will sign HUD Form 7015.15, which authorizes the release of funds, as well as the Tier One (broad level) environmental review form in Appendix A-1 of Attachment B. However, the Commissioners Court may delegate signature authority to a manager within the Responsible Entity's agency to sign the forms for the site specific determinations as they are completed for each specific property that is to be rehabilitated.

An example of the site specific environmental review form, "*Site Specific Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR §58.35(a)*," that is to be completed (and signed) for each property, is located in Appendix B-2 of the Tier One document.

STAFF RECOMMENDATIONS:

Staff recommends approval of all actions.

ISSUES AND OPPORTUNITIES:

Allowing the certificate of exemption to be approved allows the program to be able to self-assess files and correct errors as necessary.

Allowing the signature authority to be delegated to the TCHHS/VS County Executive for the second tier (site specific) environmental reviews allows the program to move quickly and ensures that environmental clearance does not delay construction starts. Additionally, it reduces the burden to the Court's agenda and protects the privacy of homeowners.

FISCAL IMPACT AND SOURCE OF FUNDING:

None

REQUIRED AUTHORIZATIONS:

Legal

CC:

Leroy Nellis, PBO
Aerin Pfaffenberger, PBO
Jason Walker, Purchasing Office
Nicki Riley, Auditor's Office
Janice Cohoon, Auditor's Office
Lee Turner, TNR
Mary Etta Gerhardt, County Attorney's Office

Jessica Rio, PBO
Cyd Grimes, Purchasing Office
Kathleen Haas, TCHHS&VS
DeDe Bell, Auditor's Office
Steven Manilla, TNR
Jon White, TNR

Attachment A

**Certificate of
Exemption**



U.S. Department of Housing and Urban
Development

451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

CERTIFICATE OF EXEMPTION
Environmental Review
for Activity/Project that is Exempt or
Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

Project Information

Project Name: Travis County CDBG Owner Occupied Home Rehabilitation Program

Responsible Entity (RE): Travis County

Grant Recipient (if different than Responsible Entity): _____

State/Local Identifier: See grant #s below.

Preparer: Christy Moffett

Certifying Officer Name and Title: Samuel T. Biscoe / County Judge

Consultant (if applicable): not applicable

Project Location: Unincorporated areas of Travis County and/or the Village of Webberville

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

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. 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/or installation, and related engineering or design for improvements.

NOTE: This exemption only applies to the exempt activities indicated below under "Level of Environmental Review Determination".

Level of Environmental Review Determination:

Activity/Project is Exempt per 24 CFR 58.34(a):

<input checked="" type="checkbox"/>	58.34(a) (1). Environmental & other studies, resource identification & the development of plans & strategies;
<input checked="" type="checkbox"/>	58.34(a) (2) Information and financial services;
<input checked="" type="checkbox"/>	58.34(a) (3) Administrative and management activities;
<input type="checkbox"/>	58.34(a) (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
<input type="checkbox"/>	58.34(a) (5) Inspections and testing of properties for hazards or defects;
<input type="checkbox"/>	58.34(a) (6) Purchase of insurance;
<input type="checkbox"/>	58.34(a) (7) Purchase of tools;
<input type="checkbox"/>	58.34(a) (8) Engineering or design costs;
<input type="checkbox"/>	58.34(a) (9) Technical assistance and training;
<input type="checkbox"/>	58.34(a) (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(a) (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	58.34(a) (12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

<input type="checkbox"/>	58.35(b).1. Tenant-based rental assistance;
<input type="checkbox"/>	58.35(b) 2. Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
<input type="checkbox"/>	58.35(b) 3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
<input type="checkbox"/>	58.35(b) 4. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
<input type="checkbox"/>	58.35(b) 5. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy-downs, and similar activities that result in the transfer of title.
<input type="checkbox"/>	58.35(b). 6. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
<input type="checkbox"/>	58.35(b). 7. Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under §58.47.

Funding Information

Grant Number	HUD Program	Funding Amount
B-10-UC-48-0503	CDBG	\$9,000
B-13-UC-48-0503	CDBG	\$30,000

Estimated Total HUD Funded Amount: \$39,000

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): _____

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:
 \$450,000

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The activities do not involve the sale or purchased of existing property; therefore, compliance with this section is complete.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The activities are not located near a Coastal Barrier Resource System (CBRS). The closest CBRS is over 100 miles away; therefore, compliance with this section is complete.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Travis County/s CDBG Home Rehabilitation Program voluntarily excludes properties within the FEMA identified Special Flood Hazard Area (SFHA); therefore, compliance with this section is complete.

Project Name

Project Locality and State

HEROS Number

5154a]		
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Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
No mitigation measures required for this level of environmental review.	

Preparer Signature: _____ Date: _____

Name/Title/Organization: Christy Moffett/CDBG Planning Manager/Travis County Health & Human Services and Veterans Service

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: Samuel T. Biscoe / County Judge

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Attachment B

Tier One

Travis County
PY14 CDBG Owner-Occupied
Home Rehabilitation Program

Tier One
Environmental Review Record (ERR)
&
Site Specific Determination Plan

Categorical Exclusion Subject to 24 CFR Part 58.5

December 3, 2014
Prepared by Travis County Health and Human Services & Veterans Service,
CDBG Office

Table of Contents

Environmental Review.....	1
Purpose	1
Categorically Excluded Activities Subject to §58.5	1
Project Purpose, Name & Description	1
Project Funding	2
Project Location	2
Tier One Environmental Review.....	2
Tiering	2
Tier One	3
Site Specific Determination Plan.....	3
Overview	3
Site Specific Determination Strategy	4
Appendices.....	10
Appendix A. Tier One Supporting Documentation.....	11
Appendix A-1. Part 58 Form. Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR §58.35(a)	12
Appendix A-2. Tier One Worksheet for Preparing §58.5 requirements on Part 58 Environmental Review Form	21
Appendix A-3. Tier One Worksheet for Preparing §58.6 requirements on Part 58 Environmental Review Form	37
Appendix A-4. Map 1. Coastal Barrier Resources System (CBRS) Boundaries Map	41
Appendix A-5. Memorandum Regarding Endangered Species	43
Appendix A-6. Map 2. Texas Wild and Scenic Rivers Map	45
Appendix B. Site Specific Environmental Determination Supporting Documentation.....	47
Appendix B-1. Part 58 Form. Site Specific Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR §58.35(a)	48
Appendix B-2. Site Specific Worksheet for Preparing Part 58 Environmental Review Form	54
Appendix B-3. Letter from the Texas Historical Commission	70

Environmental Review

Purpose

The purpose of the environmental review process is to analyze the potential impacts a proposed project may have on the end users (e.g., those using/living on the property) and the environment within a designated project area.

As the responsible entity, 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. This Categorically Excluded Activities classification is further divided into activities subject to 24 CFR §58.5 and activities not subject to §58.5. The activities associated with the Home Rehabilitation project fall are Categorically Excluded Activities Subject to §58.5.

Categorically Excluded Activities Subject to §58.5

Categorically Excluded Activity Subject to §58.5 means that the activity is categorically excluded from NEPA requirements; however, the grantee must still demonstrate compliance with the laws, authorities, and Executive Orders listed in 24 CFR §58.5.

The activities associated with the Home Rehabilitation project fall 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; and
- The land use is not changed.

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

PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR December 2014

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	\$1.00
B-09-UC-48-0503	Program Year 2009	\$10,743.97
B-13-UC-48-0503	Program Year 2013	\$45,360.82
B-14-UC-48-0503	Program Year 2014	\$355,730
	TOTAL:	\$411,835.79

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.

Tier One Environmental Review

Tiering

Per 24 CFR §58.15, a responsible entity may tier its environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. A tiered approach 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.

This report includes the first tier of a two-part environmental review process. Travis County has chosen to tier its environmental review of its housing rehabilitation program. Due to the nature of this program, specific sites will require additional review based on their location within the

PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR December 2014

CDBG service area. This broad (or Tier One) review identifies and evaluates only those issues that can be decided at this time and identifies the issues to be considered in site specific reviews. Per HUD regulations, a Notice of Intent to Request Release of Funds (NOI/RROF) is required at the broad review level, but the subsequent site-specific reviews will not require notices or a NOI/RROF. The documentation for the Tier One review is included in Appendix A.

The process to be followed in the site specific review is included in the Site Specific Determination Plan below and corresponding documents in Appendix B. The site specific review need only reference or summarize the issues addressed in the broader review.

Tier One

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

- 24 CFR §58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) &(d)]
- 24 CFR §58.35(d) Sole Source Aquifers [40 CFR 149]
- 24 CFR §58.35(e) Endangered Species [50 CFR 402]
- 24 CFR §58.35(f) Wild and Scenic Rivers [36 CFR 297]
- 24 CFR §58.35(g) Air Quality [CFR parts 6,51,93]
- 24 CFR §58.35(h) Farmland Protection [7 CFR 658]
- 24 CFR §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]
- 24 CFR §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]
- 24 CFR §58.5(j) Environmental Justice [Executive Order 12898]

The worksheets and other supporting documentation for the Tier One review, including the HUD form titled “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR Part 58.35(a),” are included in Appendix A.

Site Specific Determination Plan

Overview

As the County becomes aware of individual properties being considered for the Home Rehabilitation Program, the remaining items will be reviewed on a site specific basis for each property. The items to be reviewed in this final level of clearance are:

- 24 CFR §58.5(a) Historic Properties [36 CFR 800]
- 24 CFR §58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 119988]
- 24 CFR §58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]
- 24 CFR §58.5(i)(1) Airport Hazards [24 CFR 51D]

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**

- 24 CFR §58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]

For the site specific determinations, the forms and worksheets included in Appendix B (Appendices B-1 and B-2) will be completed for each property, and work will not begin on a property until it has received environmental clearance.

Site Specific Determination Strategy

As described under Tier One Environmental Review above, Travis County has chosen to tier its environmental review of its housing rehabilitation programs. This eliminates repetitive discussions of the same issues at subsequent levels of review. Since each property that is proposed for rehabilitation may vary in location, onsite conditions, etc., each site will require additional site-specific review. This tiered approach allows for a more or focused analysis as each property is being evaluated.

The following section will discuss in detail how each site (once chosen) will comply with the site-specific requirements outlined by HUD and required under 24 CFR 58.5 for home rehabilitation and related improvement activities. The remaining requirements have been addressed at the Tier One (broad level).

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. 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. In the event that sites fall under this law, Travis County staff will adhere to the following guidelines.

According to HUD, the environmental review record pertaining to historic preservation should documentation that either no historic properties are affected or that there are no adverse effects.

In the case that a home rehabilitation project has the potential to affect a historic property, Travis County must consult with the State Historic Preservation Officer (SHPO) to request a formal determination of eligibility for the National Register of Historic Places from the Texas Historical Commission (THC). Per letter dated July 10, 2013 from the SHPO/THC (Appendix B-3), only projects of more than 45 years of age must be submitted to the SHPO/THC for historic review.

- 1) At each site, Travis County will determine whether the project could affect historic properties by completing the site specific environmental determination worksheet and gathering any appropriate supporting documentation.

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**

- 2) Once it is confirmed (and documented on a map) that the property is not within or directly adjacent to a historic district and that there are no properties of historical, architectural, religious or cultural significance identified in the project's Area of Potential Effect, properties that are determined to be 45 years old or less, based on TCAD records, will be considered to be in compliance with the historic properties section of the environmental review. Note that due to the limited nature of the home repairs in this minor home rehabilitation program, the project's Area of Potential is essentially the footprint of the house and possibly the area in and around the septic system and/or water system, if these systems are included in the scope of work.
- 3) Any property that are over 45 years old, regardless of its location, and any property that is less than 45 years old and located within or directly adjacent to a historic district will be submitted to the SHPO for consideration. The submittal to the SHPO will include color photos of all facades of the structure and photographs of surrounding structures, a map with the property's geographic location, and a description of the type of work that is being considered.
 - a) If the Texas Historical Commission determines that the property is 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 will outline agreed-upon measures that the County will take to ensure the avoidance, mitigation and/or minimization of the adverse effects on historic properties.
 - b) In the event that Travis County determines that no historic properties are present, it will 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 and wetlands (24 CFR Part 55 Floodplain Management and Protection of Wetlands) restrict financial support for projects located within the Special Flood Hazard Area (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.

Because the repairs or improvements under the CDBG Home Rehabilitation Program do not meet the thresholds for "substantial improvement", work is allowed in the 100-year floodplain.

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**

However, our Travis County program-specific guidelines only allow repairs and improvements to houses that are not in the 100-year floodplain. While the County may go through a lengthy process to allow for repairs in the floodplain, including requiring flood insurance, the Program has decided to not to do so.

According to HUD, the environmental review record pertaining to floodplain management should contain one of the following:

- Documentation supporting the determination that an exception at 55.12(c) applies.
- A FEMA map showing the project is not located in a Special Flood Hazard Area.
- A FEMA map showing the project is located in a Special Flood Hazard Area along with documentation of the 8-Step Process and required notices. If the 5-Step Process is applicable, provide documentation of the 5-Step Process and indicate the applicable citation. If the 8-Step Process is inapplicable, indicate the applicable citation and document the determination.

Therefore, as part of the Environmental Review Record (ERR) for every property in the program, documentation will include a FEMA-based floodplain map showing the site location and a determination of whether or not the site is located in the Special Flood Hazard Area.

Wetlands Protection

Executive Order 11990 "Protection of Wetlands," requires Federal activities to avoid adverse impacts to wetlands where practicable. As primary screening, HUD or grantees must verify whether the project is located within wetlands identified on the National Wetlands Inventory (NWI) or else consult directly with the Department of Interior- Fish and Wildlife Service (FWS) staff.

HUD regulations for protecting floodplains and wetlands (24 CFR Part 55 Floodplain Management and Protection of Wetlands) restrict financial support for projects involving wetlands, which generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds, unless it can be demonstrated that there are no practicable alternatives outside of the wetland. 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 wetlands, and (b) avoid direct development within or modification of wetlands, wherever there is a practical alternative.

According to HUD, the environmental review record pertaining to wetlands should contain one of the following:

- Documentation supporting the determination that an exception at 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), or 55.12(c)(10) applies.

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**

- Documentation supporting the determination that the project does not involve new construction (as defined in Executive Order 11990), expansion of a building's footprint, or ground disturbance.
- A map or other relevant documentation supporting the determination that the project does not impact an on- or off-site wetland.
- A completed 8-Step Process, including a map and the early and final public notices.

Based on the types of properties likely to be included in this program and the nature of the home rehabilitation activities, it is possible that repairs on some properties may exceed 50% of the market value of the structure and that the project may involve ground disturbance for that specific property. Therefore, for any properties that meet both these conditions, a map or other relevant documentation will be provided to support documentation that the project does not impact an on- or off-site wetland.

Airport Hazards

Since locations in the immediate vicinity of airports and airfields may present hazards due to potential aircraft accidents, it is HUD's policy is to prevent incompatible development around civil airports and military airfields.

Although these requirements may potentially not apply since the project involves minor rehabilitation and no new construction will be created, because the minor repairs may prolong the physical or economic life of an existing property to some extent, the requirements pertaining to assessing airport hazards will be addressed. For each property, it must be determined whether the property is located within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ), or within 15,000 feet of a military field, the Clear Zone (CZ) or Accident Potential Zone (APZ). HUD does not fund activities in any of these zones.

According to HUD, the environmental review record pertaining to airport hazards should contain one of the following:

- Documentation that the rule is not applicable to the proposed project (i.e., acquisition of an existing building, "minor" rehabilitation, or emergency action).
- A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.
- If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so.
- If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ/CZ or a letter from the airport operator stating so.
- If the site is in a designated APZ, documentation of consistency with DOD Land Use Compatibility Guidelines.

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**

- If the site is in a designated RPZ/CZ and the project does not involve any facilities that will be frequently used or occupied by people, and a determination of such and a written assurance from the airport operator that there are no plans to purchase the land as part of a RPZ/CZ program.
- If the site is in a designated RPZ/CZ and the project involves the acquisition or sale of an existing property that will be frequently used or occupied by people, a copy of the notice to prospective buyers signed by the prospective buyer.

There are no military airports in Travis County; therefore, the requirements specific to APZs are not applicable. For each property, documentation will include a map verifying that the property is not within an RPZ/CZ. Properties within an RPZ/CZ will not be considered eligible for the home rehabilitation program.

Contamination and Toxic Substances

Per HUD environmental standards at 24 CFR §58.5(i) (last updated on Nov. 15, 2013), all properties where project activities will occur must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. Although these requirements could potentially not apply to this project since the project involves minor rehabilitation and no new construction will be created, Travis County has chosen to comply with these requirements.

Based on online research and research at the Texas State Library and Archives Commission, there are no Sanborn (fire insurance) maps for the unincorporated areas of Travis County. Therefore, evaluation of historic uses of properties is limited. However, per 24 CFR §58.5(ii), the evaluation of previous uses of the site or other evidence of contamination on or near the site only applies to multifamily housing with five or more dwelling units or nonresidential properties.

According to HUD, the environmental review record pertaining to site contamination should contain one of the following:

- Documentation that the rule is not applicable to the proposed project (i.e., acquisition of an existing building, “minor” rehabilitation, or emergency action).
- Evidence the site is not contaminated (for multifamily housing projects this includes on site and off site contamination and previous uses of the site); a Phase I Environmental Site Assessment is strongly encouraged for multifamily and non-residential projects.
- Evidence supporting a determination the hazard will not affect health and safety of the occupants or conflict with the intended use of the site, including any mitigation measures used.

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**

- Documentation the site has been cleaned up according to EPA or state standards for residential properties, which requires a letter of “No Further Action” (NFA) required from the appropriate state department/agency, or a RAO letter from the LSRP.

Travis County staff will assess, according to applicable HUD guidelines and based on available information, whether the property is contaminated or not, prior to any work being approved. To meet these requirements, all sites will be assessed using NEPAassist, and related information on ECHO and TCEQ websites, to determine if there are any registered dumps, landfills, industrial sites, or other similar locations that contain, or may have contained, hazardous wastes on or near the site that could pose a threat to the occupants of the site being rehabilitated. Contaminated sites will not be ineligible.

APPENDICES

Appendix A
Tier One
Supporting Documentation

Appendix A-1

Part 58 Form: Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR §58.35(a)



**U.S. Department of Housing and Urban
Development**

451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR Part 58.35(a)

Project Information

Project Name: Travis County CDBG Owner Occupied Home Rehabilitation Program

Responsible Entity (RE): Travis County

State/Local Identifier: See grant #s indicated below

RE Preparer: Elena Rivera/CDBG Planner

Certifying Officer: Samuel T. Biscoe / County Judge

Grant Recipient (if different than Responsible Entity): _____
Point of Contact: Christy Moffett

Consultant (if applicable): not applicable
Point of Contact:

Project Location: Unincorporated areas of Travis County and/or the Village of Webberville

Additional Location Information: _____

Direct Comments to: Christy Moffett, Christy.Moffett@co.travis.tx.us

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

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. 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/or installation, and related engineering or design for improvements.

Approximate size of the project area: varies, depending upon the specific house/property

Length of time covered by this review: until funding is expended

Maximum number of dwelling units or lots addressed by this tiered review: no maximum; # of home to rehabilitated depends on available funds

Level of Environmental Review Determination: Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: Specifically 58.35(a)(3)(i), since the project involves minor rehabilitation to existing single-family homes, where the density is not increased, and the land use is not changed.

Funding Information

Grant Number	HUD Program	Program Name	Funding Amount
B-06-UC-48-0503	CDBG	CDBG	\$1.00
B-09-UC-48-0503	CDBG	CDBG	\$10,743.97
B-13-UC-48-0503	CDBG	CDBG	\$45,360.82
B-14-UC-48-0503	CDBG	CDBG	\$355,730.00

Estimated Total HUD Funded Amount: \$411,835.79

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$411,835.79

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	If Yes: Describe compliance determinations made at the broad level. If No: Describe the policy, standard, or process to be followed in the site-specific review.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D [with respect to runway clear zone notification requirement in §51.303(a)(3)]	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	The project does not involve the sale or purchase of existing property; therefore, compliance with this specific section is complete. <i>Note: A floodplain map will be included in the Site Specific ERR for each property as part of the documentation for Floodplain Management requirements of 24 CFR §58.5 below (Executive Order 11988, particularly section 2(a); 24 CFR Part 55).</i>
Coastal Barrier Resources	Yes No	The project involves minor home

<p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>rehabilitation in Travis County and is not located in the Coastal Barrier Resource System (CBRS). Travis County is over 100 miles from the CBRS boundaries. Therefore, compliance with this section is complete. A CBRS boundary map is included as documentation (Appendix A-4).</p>
<p>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Travis County's CDBG Home Rehabilitation Program voluntarily excludes properties or structures within the FEMA identified Special Flood Hazard Area (SFHA); therefore, compliance with this section is complete. <i>Note: A floodplain map will be included in the Site Specific ERR for each property as part of the documentation for Floodplain Management requirements of 24 CFR §58.5 below (Executive Order 11988, particularly section 2(a); 24 CFR Part 55).</i></p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</p>		
<p>Airport Hazards 24 CFR Part 51 Subpart D [other than other than the runway clear zone notification requirement in §51.303(a)(3)]</p>	<p>Yes No <input type="checkbox"/> <input type="checkbox"/> <i>To be addressed at the Site Specific level</i></p>	<p>Although the project only involves minor rehabilitation, since it may prolong the physical or economic life of existing houses to some extent, these requirements will be addressed. The specific locations of the homes to be repaired are unknown at this time; therefore, this determination will be verified and documented for each property as part of the Site Specific Determinations. Since there are no military airfields in Travis County, distances to APZ do not need to be assessed; therefore, only distances to RPZ/CZ need to be addressed.</p>
<p>Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project does not involve 5 or more dwelling units, acquisition of undeveloped land, changes in land use, demolition, major rehabilitation, or new construction. Additionally, Travis County is not designated as non-attainment nor is it within an area designated as non-attainment. Therefore, compliance with this section is complete.</p>
<p>Coastal Zone Management Coastal Zone Management Act,</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project involves minor home rehabilitation in Travis County and is not</p>

sections 307(c) & (d)		located in the Coastal Barrier Resource System (CBRS). Travis County is over 100 miles from the CBRS boundaries. Therefore, compliance with this section is complete. A CBRS boundary map is included as documentation (Appendix A-4).
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)]	Yes No <input type="checkbox"/> <input type="checkbox"/> <i>To be addressed at the Site Specific level</i>	Although the project only involves minor rehabilitation of existing homes, these requirements will be addressed. The specific locations of the homes to be repaired are unknown at this time; therefore, a determination will be made as part of the Site Specific Determination.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Due to the nature of the project (minor rehabilitation of existing structures), the project is likely to have no effect on endangered species. Additionally, the project is not concentrated in one area since the houses are scattered throughout the County and in already established neighborhoods and subdivisions; therefore, no impacts are anticipated. Therefore, compliance with this section is complete. A copy of the Memorandum Regarding Endangered Species is included as documentation (Appendix A-5).
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Although the project involves rehabilitation, based on our interpretation of the requirements for Explosive and Flammable Operations [24 CFR 51] these requirements are not applicable since the project does not involve a HUD-assisted project as defined in 24 CFR 51.201 (and as noted on page 4 of the HUD's Acceptable Separation Distance Guidebook). The repairs under this program are minor and will not result in increased density, and do not involve converting the type of use of a building to habitation nor making a vacant building habitable. Based on the above, we conclude that since the project only involves minor rehabilitation and does not involve "rehabilitation and modernization" activities as defined in 24 CFR 51.201, compliance with this section is complete.

<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project does not involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance; therefore, compliance with this section is complete.</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No <input type="checkbox"/> <input type="checkbox"/> <i>To be addressed at the Site Specific level</i></p>	<p>The project only involves minor home rehabilitation. Additionally, the Travis County CDBG program voluntarily excludes homes in the 100-year floodplain. Floodplain status will be determined and documented on the Site Specific Environmental checklist for Floodplain Management. Any properties within the 100-year floodplain will be excluded from the project.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No <input type="checkbox"/> <input type="checkbox"/> <i>To be addressed at the Site Specific level</i></p>	<p>The specific locations of the homes to be repaired are unknown at this time; therefore, a determination will be made as part of the Site Specific Determination.</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Whereas, it is possible that a property may be located within the distances listed above, based on our interpretation of 24 CFR 51.101, the “noise attenuation features in alterations” are encouraged for major and substantial modernization and rehabilitation projects with no mention of minor rehabilitation. There are three basic ways to provide noise attenuation: the use of barriers or berms, site design, or acoustical construction. Given the nature of the project, minor rehabilitation, it is unlikely that noise attenuation would be within the scope of repairs or within the project costs. Furthermore, whereas 24 CFR Subpart B does not provide a definition for major or substantial rehabilitation, and the definition provided in 24 CFR Subpart C (which applies to siting projects near hazardous operations, etc.) refers to projects which increase density, convert the type of use of a building to habitation, or make a vacant building habitable; and none of these apply to the minor rehabilitation project; we conclude that the requirements do not</p>

		<p>apply.</p> <p>Based on the above, we conclude that compliance with this section is complete.</p> <p><i>Note: The Airport Hazard map for 24 CFR Part 51 Subpart D that will be provided with the Site Specific determination, will include documentation that the property is outside the nearest airport's 65-dB noise contours.</i></p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project does not include new construction or land use conversion; therefore, compliance with this section is complete.</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No <input type="checkbox"/> <input type="checkbox"/> <i>To be addressed at the Site Specific level</i></p>	<p>The specific locations of the homes to be repaired are unknown at this time; therefore, a determination will be made as part of the Site Specific Determination.</p>
<p>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The project does not involve new construction, land use conversion, major rehabilitation or substantial improvements; therefore, compliance with this section is complete. It is worth noting that there are no wild and scenic rivers in Travis County, Texas. The closest wild or scenic river is approximately 50 miles from Travis County. A Texas Wild & Scenic Rivers Map is included as documentation (Appendix A-6).</p>
ENVIRONMENTAL JUSTICE		
<p>Environmental Justice Executive Order 12898</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The program is available to homeowners living in the unincorporated areas of Travis County and the Village of Webberville and is not targeted to a particular neighborhood. The program will assist people living at or below 80% of the Area MFI, and is intended to improve the quality of beneficiaries' housing; therefore, no adverse impact is expected and this section is not applicable and compliance with this section is complete.</p>

Attach supporting documentation as necessary, including a site-specific checklist.

Determination:

- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Preparer Signature:

_____ Date: _____

Name/Title/Organization: Elena Rivera / CDBG Planner / Travis County Health & Human Services and Veterans Service

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: Samuel T. Biscoe / County Judge

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.

Appendix A-2

**Tier One Worksheet
for Preparing §58.5
Requirements on Part 58
Environmental Review Form**

Worksheet for Preparing 24 CFR §58.5 Requirements
[Optional Tool]

Tier One (Broad-Level) Review

1. §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, or substantial improvements?
 Yes No **Not applicable since this project only involves minor home rehabilitation. See Map 1 in Appendix A.**

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

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.

2. §58.5(d). Sole Source Aquifers [40 CFR Part 149]

- a. Does the project involve new construction or land use conversion?
 Yes No **Not applicable since this project only involves 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 located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes No

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.

3. §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

Due to the nature of the project (minor rehabilitation of existing structures), the project is likely to have no effect on endangered species. Additionally, the project is not concentrated in one area since the houses are scattered throughout the County and in already established neighborhoods and subdivisions; therefore, no impacts are anticipated. Therefore, compliance with this section is complete. A copy of the Memorandum Regarding Endangered Species is included as documentation. Also see Memorandum Regarding Endangered Species (Attachment 3 to Appendix A).

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. Has the US Fish and Wildlife Service or the National Marine Fisheries Services identified listed species or designated critical habitat in the county where the project is located?

Yes No

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.

- c. Is the project located 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

If Yes, conduct special studies by a qualified professional to determine whether the project may affect the species or habitat to support a May Effect finding.

If No, continue below

- d. 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

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.

- e. 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

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.

- f. 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

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

If No, continue.

- g. 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

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.

4. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

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

Yes No **Although the project involves only minor rehabilitation, it is possible that the cost of repairs on some properties may be equal to or greater than 50% of the market value of the structure.**

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 or an inventory river?

Yes No **There are no wild and scenic rivers in Travis County, Texas. The closest wild or scenic river is approximately 50 miles from Travis County. See Map 2 in Appendix A.**

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.

5. §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

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 below.

If No, continue.

- b. Does the project require an environmental assessment or environmental impact statement?

Yes No

If Yes, continue.

If No, compliance with CAA State Implementation Plan factor is complete. Mark Box A on the Statutory checklist.

- c. Does the project involve five or more dwelling units, acquisition of undeveloped land, a change of land use, demolition, major rehabilitation, or new construction?

Yes No **Not applicable since this project only involves minor home rehabilitation.**

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 located in a Non-Attainment area?

Yes No

If Yes, continue.

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

- e. Has EPA or the State provided a written determination that the project will not 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

If Yes, continue.

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

- f. Did EPA or the State provide a Letter of Consistency with the State Implementation Plan (SIP)?

Yes No

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

If No, continue.

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

Yes No

If Yes, continue.

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

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

Yes No

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.

6. §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 **Not applicable since this project only involves 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 zoned to urban and/or residential uses as mapped by the Census Bureau?

Yes No

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

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.

7. §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 **Possibly; however, see EXPLANATION below.**

- 1000 feet of a major highway or busy road;

Yes No **Possibly; however, see EXPLANATION below.**

- within 3000 feet of a railroad.

Yes No **Possibly; however, see EXPLANATION below.**

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

EXPLANATION. Whereas, it is possible that a property may be located within the distances listed above, based on our interpretation of 24 CFR 51.101, the "noise attenuation features in alterations" are encouraged for major and substantial modernization and rehabilitation projects with no mention of minor rehabilitation. There are three basic ways to provide noise attenuation: the use of barriers or berms, site design, or acoustical construction. Given the nature of the project, minor rehabilitation, it is unlikely that noise attenuation would be within the scope of repairs or within the project costs.

Furthermore, whereas 24 CFR Subpart B does not provide a definition for major or substantial rehabilitation, and the definition provided in 24 CFR

Subpart C (which applies to siting projects near hazardous operations, etc.) refers to projects which increase density, convert the type of use of a building to habitation, or make a vacant building habitable; and none of these apply to the minor rehabilitation project; we conclude that the requirements do not apply.

Based on the above, we conclude that compliance with this section is complete.

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

If Yes, continue.

- d. If the answer to "c" above is "yes," does the project involve rehabilitation?
 Yes No

If Yes, noise attenuation measures are strongly encouraged for rehabilitation new construction to reduce noise levels to below 65dB. Mark box "B" on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If No, continue.

- e. If the answer to "c" is yes, does the project involve new construction?
 Yes No

If Yes, Special Environmental Clearance is required (an Environmental Assessment). Noise attenuation measures are required for new construction to reduce noise levels to below 65dB. Mark box "B" on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If No, Continue.

- f. Do noise calculations or airport noise contour maps indicate outdoor noise levels above 75dB?
 Yes No

If Yes, continue.

If No, compliance is completed with respect to steps a-d above.

- g. If noise levels are above 75 dB, does the project involve new construction?
 Yes No

If Yes, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). An Environmental Impact Statement (EIS) is required. Compliance cannot be achieved without either completion of an EIS or processing of an EIS waiver.

If No, compliance is complete with respect to steps a-e above.

- h. If outdoor noise levels are > 75 dB and the project involves new construction, was an EIS waiver processed?
 Yes No

If Yes, compliance is complete. Attach the EIS waiver, signed by the Certifying Officer. Mark box "B" of the Statutory Checklist and list all outdoor and indoor attenuation measures to reduce outdoor noise levels to 65 dB and indoor noise levels to 45 dB in the mitigation section of the Statutory Checklist.

If No, proceed with preparation of an EIS or deny the project.

8. §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.

See EXPLANATION below.

EXPLANATION. Although the project involves rehabilitation, based on our interpretation of the requirements for Explosive and Flammable Operations [24 CFR 51] we concluded that these requirements are not applicable since the project does not involve a HUD-assisted project as defined in 24 CFR 51.201¹ for this subpart, and as noted on page 4 of the HUD's Acceptable Separation Distance Guidebook and on the Protocol and example Statutory Checklist for Explosive and Flammable Operations provided in the Community Development Block Grant Toolkit on Crosscutting Issues, Module 2: Environmental Review (under "Other HUD Documents" and under "Sample Grantee Policies/Procedures," respectively).

The repairs under this program will not result in increased density, and do not involve converting the type of use of a building to habitation nor making a vacant building habitable

Based on the above, we conclude that compliance with this section is complete.

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 professional which documents 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

¹ Per 24 CFR 51.201, a "HUD-assisted project" is defined as follows:

"the development, construction, rehabilitation, modernization or conversion with HUD subsidy, grant assistance, loan, loan guarantee, or mortgage insurance, of any project which is intended for residential, institutional, recreational, commercial or industrial use. For purposes of this subpart the terms "rehabilitation" and "modernization" refer only to such repairs and renovation of a building or buildings as will result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable."

- 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 b – d 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 b – d 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 above-ground explosive or flammable fuels or chemicals containers as calculated above?

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.

9. **§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 Yes, continue.

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

- 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

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

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.

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.

- d. Has the mitigation plan been approved by the RE and the impacted community?

Yes No

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.

10. Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etc. Ensure final measures are included in Project Description Section of 7015.15.)

No mitigation measures required at the broad (Tier One) review level.

11. References:

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project.)

No existing environmental reports apply at the broad (Tier One) review level. Information, such as GIS data and maps, to support the Tier One review were obtained from the U.S. Fish & Wildlife Service.

12. List of Major Reports Obtained:

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.)

No major reports were required for the Tier One review.

13. List of Preparers and Summary of Qualifications:

Elena Rivera holds a B.S. in Chemistry, a B.S. in Chemical Engineering, and a Masters in Ecological Design; and has 15 years of experience working with environmental, health, and safety regulations, both as a consultant and as a program manager. Elena Rivera is currently a CDBG Planner with Travis County Health & Human Services and Veterans Service.

Appendix A-3

**Tier One Worksheet
for Preparing §58.6
Requirements on Part 58
Environmental Review Form**

Worksheet for Preparing 24 CFR §58.6 Requirements
[Optional Tool]

Tier One (Broad-Level) Review

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: Formula grants made to states, State-owned property, small loans (\$5,000 or less), assisted leasing that is not used for repairs, improvements, or acquisition?
- Yes No

If Yes, compliance with this section is complete.

If No, 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:

HUD Guidance on Flood Insurance: <https://www.onecpd.info/environmental-review/flood->

[insurance/](#)

FEMA Map Service Center: <http://www.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 of existing structure, or acquisition of undeveloped land?
- Yes No

If No, compliance with this section is complete. Although not applicable, a map is included as documentation that the Travis County, within which the project area is located, is over 100 miles from the CBRS boundaries.

If Yes, continue.

- 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 HUD Guidance: <https://www.onecpd.info/environmental-review/coastal-barrier-resources/>

CBRA mapper: <http://wim.usgs.gov/cbramapper/cbramapper.html>

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

- c. Does the project involve the sale or purchase of existing property?
- Yes No

If No, compliance with this section is complete.

If Yes, continue.

- d. 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.

For more information see:

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

HUD Airport Hazards Guidance: <https://www.onecpd.info/environmental-review/airport-hazards/>

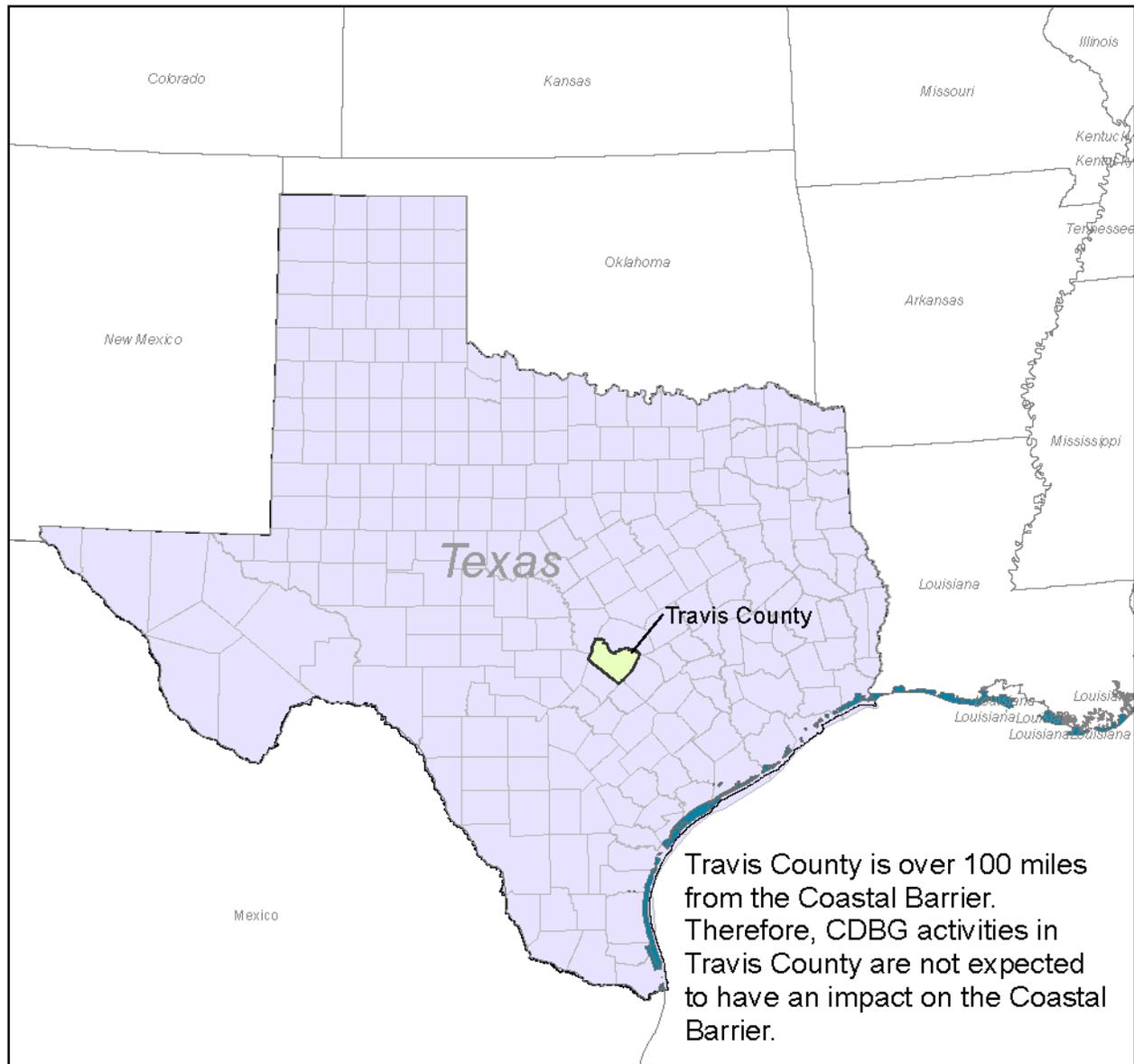
Notice to Prospective Buyers: <https://www.onecpd.info/resource/2758/notice-prospective-buyers-properties-in-runway-clear-zones/>

Appendix A-4

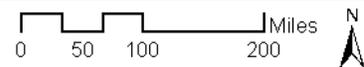
Map 1

Coastal Barrier Resources System (CBRS) Boundaries Map

MAP 1. COASTAL BARRIER RESOURCES SYSTEM (CBRS) BOUNDARIES MAP



-  Coastal Barrier Resources System
-  Travis County
-  Texas



Source: US Fish & Wildlife Service
GIS data downloaded on 1/7/14 from: http://www.fws.gov/CBRA/Maps/Data_Disclaimer_Shapefiles.html
Map created by: Travis County HHS/MS, CDBG Office, E.Rivera, November 2014

Appendix A-5

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 2, 2014

Re: Travis County Home Rehabilitation Program, Tier 1 Environmental Clearance
Memorandum Regarding Endangered Species

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).

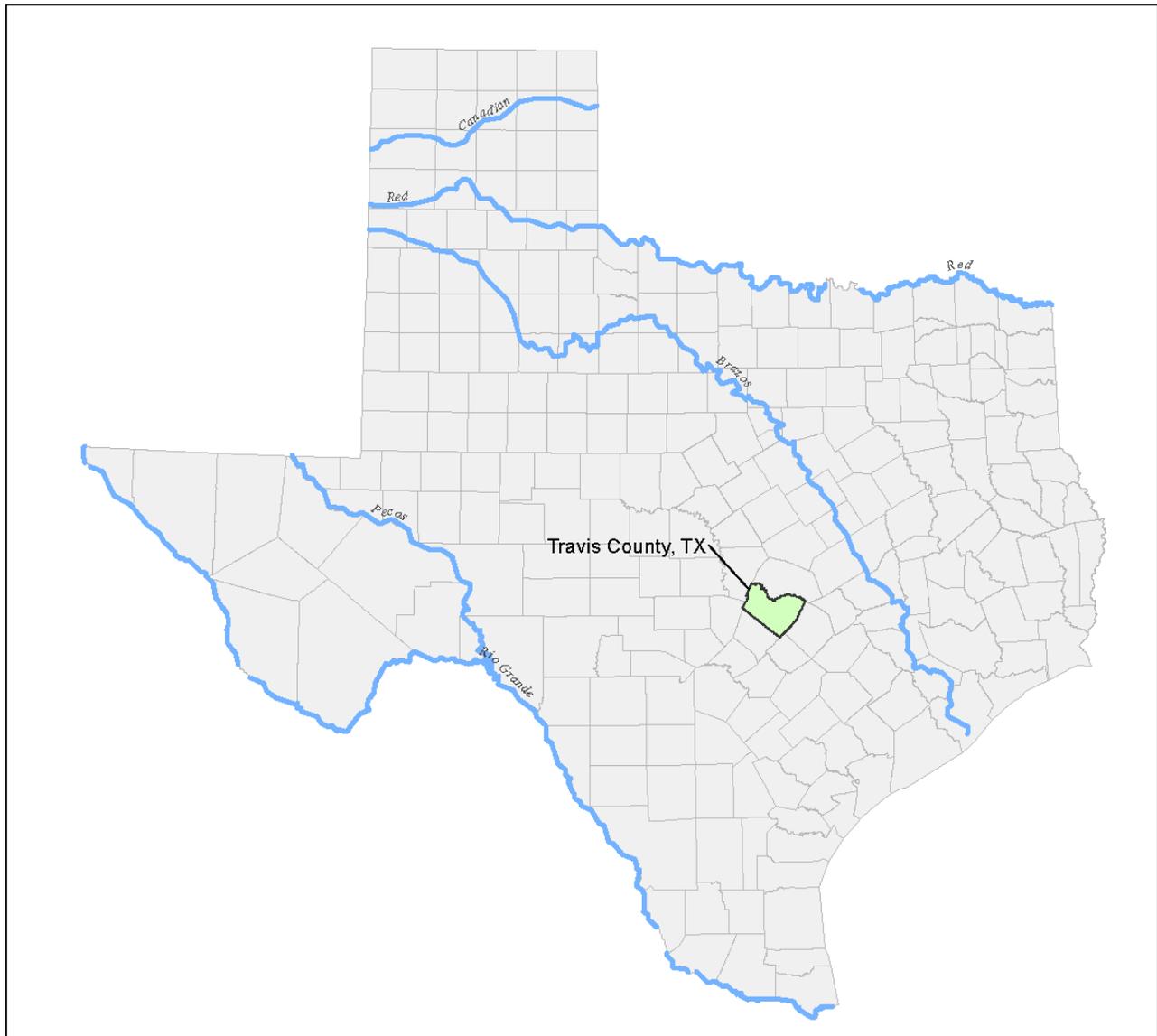
Appendix A-6

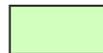
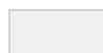
Map 2

Texas Wild & Scenic Rivers Map

MAP 2. TEXAS WILD AND SCENIC RIVERS

Shows that there are no Texas Wild & Scenic Rivers within Travis County.



-  TX major rivers
-  Travis County, TX
-  Texas

Appendix B

Site Specific

Environmental Determination

Supporting Documentation

Appendix B-1

Part 58 Form. Site Specific Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR §58.35(a)



**U.S. Department of Housing and Urban
Development**

451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Environmental Review for Activity/Project that is Categorically
Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: Travis County CDBG Owner Occupied Home Rehabilitation Program

Responsible Entity (RE): Travis County

State/Local Identifier: See grant #s indicated below

Preparer: Elena Rivera/CDBG Planner

Certifying Officer Name and Title: Samuel T. Biscoe / County Judge

Grant Recipient (if different than Responsible Entity): _____

Consultant (if applicable): not applicable

Direct Comments to: Christy Moffett/CDBG Program Manager

Project Location: [to be completed for each property being rehabilitated]

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

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. 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/or installation, and related engineering or design for improvements.

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: Specifically 58.35(a)(3)(i), since the project involves minor rehabilitation to existing single-family homes, where the density is not increased, and the land use is not changed.

Funding Information

Grant Number	HUD Program	Program Name	Funding Amount
B-06-UC-48-0503	CDBG	CDBG	\$1.00
B-09-UC-48-0503	CDBG	CDBG	\$10,743.97
B-13-UC-48-0503	CDBG	CDBG	\$45,360.82
B-14-UC-48-0503	CDBG	CDBG	\$355,730.00

Estimated Total HUD Funded Amount: \$411,835.79

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$411,835.79

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D [with respect to runway clear zone notification requirement in §51.303(a)(3)]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Airport Hazards 24 CFR Part 51 Subpart D [other than other than the runway clear zone notification requirement in §51.303(a)(3)]	Yes No <input type="checkbox"/> <input type="checkbox"/>	Site Specific Determination: _____ _____ _____
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input type="checkbox"/>	Site Specific Determination: _____ _____ _____
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input type="checkbox"/>	Site Specific Determination: _____ _____ _____

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input type="checkbox"/> <input type="checkbox"/>	Site Specific Determination: _____ _____ _____
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No <input type="checkbox"/> <input type="checkbox"/>	Site Specific Determination: _____ _____ _____
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Addressed at the Tier One Level. See the completed “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” form.

Field Inspection (Date and completed by): _____

Summary of Findings and Conclusions: _____

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

Determination:

- This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature:

_____ Date: _____
Name/Title/Organization: Elena Rivera / CDBG Planner / Travis County Health & Human Services and Veterans Service

Responsible Entity Agency Official Signature:

_____ Date: _____
Name/Title: Sherri E. Fleming / County Executive / Travis County Health & Human Services and Veterans Service

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Appendix B-2

**Site Specific Worksheet
for Preparing Part 58
Environmental Review Form**

Worksheet for Preparing 24 CFR §58.5 Requirements
[Optional Tool]

Site Specific 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 to 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.

- a. Does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?

(<http://egis.hud.gov/tdat/Tribal.aspx>)

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.

- b. 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.

- c. 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.

- d. 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.

e. 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>

Historic Preservation HUD Guidance:

<https://www.onecpd.info/environmental-review/historic-preservation/>

Historic Preservation Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Historic Preservation](https://www.onecpd.info/learning-center/environmental-review-training/#HistoricPreservation)

[https://www.onecpd.info/learning-center/environmental-review-training/#Consulting with Indian Tribes](https://www.onecpd.info/learning-center/environmental-review-training/#ConsultingwithIndianTribes)

Section 106 Agreements Database:

<https://www.onecpd.info/resource/3675/section-106-agreement-database/>

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

a. Does the project involve minor repairs or improvements on one to four family properties that do not meet the threshold for “substantial improvement” of §55.2(b)(8), i.e., the cost does not equal or exceed 50% of the market value of the structure before improvement or repair started, before damage occurred?

Yes No

b. Does the project involve the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities?

Yes No

If Yes to a or b, 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 have an impact on) a 100 year floodplain (Zone A) or Coastal High Hazard (Zone V) identified by FEMA maps?

Yes No

- d. Does the project involve a “critical action,” per §55.2(b)(3)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

If Yes to (c) or (d), follow HUD’s Floodplain Management Regulations 8-Step/5-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step/5-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 2 for an example of the 8-Step decision-making process. The 8-step decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices, as well as NOI/RROF and FONSI notices. Mark box “B” on the Statutory Checklist for this authority.

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

- e. Does the project involve a critical action in a coastal high hazard area or a floodway?

Yes No

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

- f. Does the project involve a non-critical action which is not a functionally dependent use that is located in a floodway?

Yes No

If Yes, HUD assistance may not be used for this project

- g. Does the project involve a non-critical action which is not a functionally dependent use that is located in a coastal high hazard area?

Yes No

If Yes, project is allowed **only** if it is designed for a location in a coastal high hazard area **and** is processed under Section 55.20. Design requirements must be noted in Statutory Checklist and 8-Step decision-making process.

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:

Floodplain Management HUD Guidance:

<https://www.onecpd.info/environmental-review/floodplain-management/>

FEMA Map Service Center:

<http://www.msc.fema.gov>

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

- a. Does the project involve new construction, land use conversion, or substantial improvements as defined in 24CFR Part 55?

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 within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and National Wetlands Inventory (NWI) maps issued by the US Fish & Wildlife Service (USFWS) or, if not available, National Soil Surveys by National Resources Conservation Service (NRCS)?

Yes No

- c. Are there drainage ways, streams, rivers, or coastlines on or near the site?

Yes No

- d. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?

Yes No

- e. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?

Yes No

If Yes to any of b – e 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 b - e 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

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:

From Wetlands Protection HUD Guidance (<https://www.onecpd.info/environmental-review/wetlands-protection/>):

*“The environmental review record should contain **one** of the following:*

- Documentation supporting the determination that an exception at 55.12(a)(3), 55.12(a)(4), 55.12(c)(3), 55.12(c)(7), or 55.12(c)(10) applies.*
- Documentation supporting the determination that the project does not involve new construction (as defined in Executive Order 11990), expansion of a building’s footprint, or ground disturbance.*
- A map or other relevant documentation supporting the determination that the project does not impact an on- or off-site wetland.*
- A completed 8-Step Process, including a map and the early and final public notices.”*

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(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 unit 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 5,000 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**, 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 5, 000 feet of the end of a civilian airport runway, did the Airport Operator provide a written determination that the project is not now and will not be 10 years from now, located 2,500 feet from the end of the civilian runway in a runway clear zone?

Yes No

If **Yes**, compliance is complete. Mark Box "A" on the Statutory Checklist and attach the Airport Operator's written determination.

If **No**, continue.

- e. If the project is within 15,000 feet of a military airfield did the airfield operator provide a written determination that the project is not currently located in an CZ/APZ and future expansion will not place the property in a CZ/APZ?

Yes No

If **Yes**, compliance is complete. Mark Box "A" on the Statutory Checklist and attach the Airport Operator's written determination.

If **No**, continue.

- f. If the project is or will be 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

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.

- h. 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.

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/>

Airport Hazards HUD Guidance:

<https://www.onecpd.info/environmental-review/airport-hazards/>

5. §58.5(i) (2) Contamination and Toxic Substances

Government Records Search

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

Standard Environmental Record Sources	ASTM 1527-3 Recommended Minimum Search Distance (mi)	Yes	No
Federal Delisted NPL Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal CERCLIS No Further Remedial Action Planned (NFRAP) Site List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Non-CORRACTS Treatment, Storage and Disposal (TSD) Facilities List	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent CERCLIS	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Leaking Storage Tank Lists	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Voluntary Cleanup Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Brownfield Sites	0.5	<input type="checkbox"/>	<input type="checkbox"/>
Federal National Priorities List (NPL)	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Correction Action (CORRACTS) Facilities List	1	<input type="checkbox"/>	<input type="checkbox"/>
State- and Tribal-Equivalent NPL	1	<input type="checkbox"/>	<input type="checkbox"/>

Federal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Institutional Control/Engineering Control Registries	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
Federal Emergency Response and Notification System (ERNS) List	Property Only	<input type="checkbox"/>	<input type="checkbox"/>
Federal RCRA Generators List	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties	<input type="checkbox"/>	<input type="checkbox"/>

If the project is located within any of the minimum search distances above, then the RE must further evaluate to determine if there has been a release or there is a threat of release to the subject property. Attach supporting documentation to the environmental review to support any conclusion that the site of concern is not a threat.

If a release or threat of release cannot be ruled out, then services of a qualified environmental professional is necessary to further evaluate potential for site contamination. Recommend an ASTM 1527-13 Phase I Environmental Site Assessment (Phase I).

Prior Uses of the Property

b. Has the subject property, adjacent property, or adjoining property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Repair Shop	<input type="checkbox"/>	<input type="checkbox"/>
Car Dealership	<input type="checkbox"/>	<input type="checkbox"/>	Auto Garage	<input type="checkbox"/>	<input type="checkbox"/>
Depot	<input type="checkbox"/>	<input type="checkbox"/>	Commercial Printing Facility	<input type="checkbox"/>	<input type="checkbox"/>
Industrial or commercial warehouses	<input type="checkbox"/>	<input type="checkbox"/>	Dry Cleaners	<input type="checkbox"/>	<input type="checkbox"/>
Photo Developing Laboratory	<input type="checkbox"/>	<input type="checkbox"/>	Hospital	<input type="checkbox"/>	<input type="checkbox"/>
Junkyard or landfill	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural/Farming Operations	<input type="checkbox"/>	<input type="checkbox"/>
Tannery	<input type="checkbox"/>	<input type="checkbox"/>	Livestock Operations	<input type="checkbox"/>	<input type="checkbox"/>

If the evaluation of previous uses results in a yes answer to any of the above, the services of a qualified environmental professional is necessary to rule out site contamination. An ASTM 1527-13 Phase I is recommended.

If the evaluation of previous uses does not identify previous uses of concern, attach supporting documentation for the conclusion to the environmental review.

Field Site Visit

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

	Yes	No
Distressed vegetation	<input type="checkbox"/>	<input type="checkbox"/>
Vent or Fill Pipes	<input type="checkbox"/>	<input type="checkbox"/>
Storage Oil Tanks or Questionable Containers	<input type="checkbox"/>	<input type="checkbox"/>
Pits, Ponds or Lagoons	<input type="checkbox"/>	<input type="checkbox"/>
Stained Soil or Pavement (other than water stains)	<input type="checkbox"/>	<input type="checkbox"/>
Pungent, Foul or Noxious Odors	<input type="checkbox"/>	<input type="checkbox"/>
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.	<input type="checkbox"/>	<input type="checkbox"/>

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 or commercial facility disposing of chemicals or hazardous wastes?

Yes No

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

Yes or No

If the site visit identifies a “Yes” answer 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.

Results of ASTM Site Contamination Reviews

g. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Strongly recommend an Phase I ESA for land acquisition, new construction, reconstruction or substantial rehabilitation).

Yes No

h. Did a Phase I, or equivalent evaluation, identify the potential for site contamination? [The RE must independently evaluate the Phase I and not rely entirely on the conclusions of whether or not there is a Recognized Environmental Condition (REC). Phase I's do not always appropriately identify RECs.]

Yes No

i. If there is the potential for site contamination, was an ASTM Phase II Environmental Site Assessment Completed that documented contamination?

Yes or No

j. Did results of the Phase I or Phase II 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

k. If the project site requires remediation, does the RE have the following documentation?

	Yes	No
Remediation Plan	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory Oversight Agency Approval of the Remediation Plan	<input type="checkbox"/>	<input type="checkbox"/>
Firm Cost Estimate to Implement the Remediation Plan	<input type="checkbox"/>	<input type="checkbox"/>
A Secured Source of Funding for Site Remediation	<input type="checkbox"/>	<input type="checkbox"/>
A project condition that the project construction or rehabilitation cannot proceed until the RE received a No Further Action (NFA) Required or Site Closure Letter from the Regulatory Oversight Agency	<input type="checkbox"/>	<input type="checkbox"/>
A project condition for Deed Restrictions related to any		

	Yes	No
continuing obligations associated with the remediation plan or NFA or Site Closure Letters	<input type="checkbox"/>	<input type="checkbox"/>

If Yes, then, compliance is complete. Attach supporting documentation to the environmental review. Ensure that all mitigation measures are identified in the environmental review and that there is a mechanism for conveying requirements in agreements and awards. Mark Box B on the Statutory Checklist for this Authority. Attach all supporting documentation.

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

- I. If the site requires remediation, and the property owner intends to complete the remediation prior to transferring the property to the HUD recipient, can the RE provide documentation of the following?

	Yes	No
Remediation Plan	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory Oversight Agency Approval of the Remediation Plan	<input type="checkbox"/>	<input type="checkbox"/>
Purchase contract and closing document requirements for receipt of a No Further Action Required or Site Closure Letter from the Regulatory Oversight Agency prior to closing.	<input type="checkbox"/>	<input type="checkbox"/>
Deed restrictions for any continuing obligations associated with the remediation plan or NFA or Site Closure Letters	<input type="checkbox"/>	<input type="checkbox"/>

If Yes, then, compliance is complete. Attach supporting documentation to the environmental review. Ensure that all mitigation measures are identified in the environmental review and that there is a mechanism for conveying requirements in agreements and awards. Mark Box B on the Statutory Checklist for this Authority. Attach all supporting documentation.

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 Site Contamination Webinar:

[https://www.onecpd.info/learning-center/environmental-review-training/#Evaluating Site Contamination](https://www.onecpd.info/learning-center/environmental-review-training/#Evaluating%20Site%20Contamination)

HUD Guidance on Site Contamination:

<https://www.onecpd.info/environmental-review/site-contamination/>

NEPAssist: <http://nepassisttool.epa.gov/nepassist/entry.aspx>

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>

Right-To-Know Network: <http://www.rtknet.org/>

6. Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etc. Ensure final measures are included in Project Description Section of 7015.15.)

7. References:

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project.)

8. List of Major Reports Obtained:

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments.)

9. List of Preparers and Summary of Qualifications:

Appendix B-3

**Letter from the
Texas Historical Commission**

PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014

TEXAS HISTORICAL COMMISSION
real places telling real stories

July 10, 2013

Elena Rivera
Travis County Health & Human Services & Veterans Service
Travis County
P.O. Box 1748
Austin, Texas

**Re: Travis County CDBG Owner Occupied Home Rehabilitation Program, Travis County, Texas,
N10**

Dear Ms. Rivera:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from Mark Wolfe, Executive Director of the Texas Historical Commission and the State Historic Preservation Officer.

Section 106 of the National Historic Preservation Act requires federal agencies, or their designated representatives, to take into account the effects of their undertakings on historic properties. Federal agencies, or their designated representatives, must request the comments of this office when they are considering an action, or if they are assisting, permitting, or licensing an action that may affect archeological sites or historic buildings. The Texas Historical Commission requires submittal for projects of more than 45 years of age at the time of submittal. Under the Antiquities Code of Texas, state agencies and political subdivisions of the State are required to contact us relative to actions on non-federal public lands in the State of Texas.

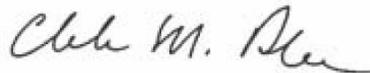
The Texas Historical Commission needs the following additional information as projects are selected, to identify historic properties, such as archeological sites, buildings, structures, objects, or districts, in the project area to determine your project's Area of Potential Effect and the types of historical resources which may be present in your project are a:

1. A separate cover letter with physical address referenced for the project describing the full scope of work
2. High resolution color photographs of all facades of the structure and photographs of surrounding structures
3. Site map showing location of subject property

If architectural historic properties are found within the Area of Potential Effect, additional information will be needed to determine the effect of your project on those properties.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Charles M. Peveto at 512/463-6008.

Sincerely,



Charles M. Peveto, Historian
for Mark Wolfe, SHPO



PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014



Travis County Health and Human Services and Veterans Service

RECEIVED

JUL 10 2013

CDBG Program
P.O. Box 1748
Austin, Texas 78767
PH (512) 854-4100 FAX (512) 854-4115
www.co.travis.tx.us/cdbg

July 10, 2013

History Programs Division

Mr. Charles Peveto
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

RE: Historic Property Clearance Request for properties less than 45 years old

Dear Mr. Peveto,

This letter is intended to request historic clearance for any property in the Travis County Community Development Block Grant (CDBG) Owner Occupied Home Rehabilitation Program that is less than 45 years old and that meets the criteria described below. The properties, all of which are located in the unincorporated areas of Travis County or the Village of Webberville, will be rehabilitated/repared under the Home Rehabilitation Program.

The Travis County CDBG Owner Occupied Home Rehabilitation Program receives federal funding from the U.S. Department of Housing and Urban Development (HUD) through CDBG Entitlement Funds under Title I of Housing and Community Development Act of 1974, as amended. The purpose of the program is to improve the quality of housing stock in the CDBG service area for low-to-moderate income homeowners by funding minor home repair services in order to improve energy efficiency, physical living conditions, and safety in owner-occupied homes.

Repairs may include painting, plumbing, electrical, AC/furnace, flooring, accessibility modifications (e.g., walk-in showers, wheelchair ramps, etc.); weatherization activities, such as replacing windows, doors, etc.; septic system repairs, replacement, or installation; water connections and/or water well installation; roofing and other exterior repairs, such as painting or replacement of façade; and similar or related repairs as needed.

Many of the properties are manufactured housing (e.g., mobile homes). This minor rehabilitation work is limited to no more than \$24,999 per home, and does not include acquisition, demolition, disposition, nor new construction. Ground disturbance, if any, would only be associated with plumbing, septic system, and/or water well repairs or installation on an already developed property.

Our in-house documentation will include verification that the property is less than 45 years old, is not within or directly adjacent to a historic district, and is not listed on the National Register of Historic Places.

**PY14 CDBG Owner-Occupied Home Rehabilitation Program - Tier One & Site Specific Plan ERR
December 2014**



Travis County Health and Human Services and Veterans Service

CDBG Program
P.O. Box 1748
Austin, Texas 78767
PH (512) 854-4100 FAX (512) 854-4115
www.co.travis.tx.us/cdbg

We believe that these properties do not meet the definition of a historic property per 36 CFR 800(l)(1)-(2) based on age, style, current condition, and the type of rehabilitation work to be done. Therefore, we ask for a general clearance letter that we can include in our documentation for properties currently under consideration as well as future properties that are less than 45 years old and meet the above conditions. This would help facilitate the ongoing implementation of our Home Rehabilitation Program.

Thank you for your attention to our request. Please contact me if you have any questions or need further information.

Best regards,

A handwritten signature in black ink, appearing to read "ER".

Elena Rivera

CDBG Planner
Office of the County Executive
Travis County Health and Human Services & Veterans Service
P.O. Box 1748, Austin, TX 78767
P: 512.854.3468 F: 512.279-2197
www.traviscountytx.gov/cdbg

July 10, 2013

2 | Page

Attachment C

NOI-RROF notices (in English & Spanish)

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR TIERED PROJECTS AND PROGRAMS

Date of Posting: December 10, 2014

Travis County
502 E. Highland Mall Blvd.
Austin, Texas 78752
512-854-3460

On or after December 24, 2014, Travis County will submit a request to the U.S. Department of Housing and Urban Development (HUD) San Antonio Field Office for the release of Community Development Block Grant (CDBG) entitlement funds under Title I of Housing and Community Development Act of 1974, as amended, to undertake the following project.

PROJECT TITLE: Program Year 2014 Travis County CDBG Owner-Occupied Home Rehabilitation Program

PURPOSE: To fund minor home repair services for low and moderate income homeowners in order to move homes towards Housing Quality Standards, by seeking to improve the energy efficiency, physical living conditions, and/or safety in owner-occupied homes.

LOCATION: Specific homes will be located in the unincorporated areas of Travis County and the Village of Webberville and will be selected as qualified residents apply.

PROJECT DESCRIPTION: 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, Texas to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and/or safety in owner-occupied homes. A zero percent (0%) interest, forgivable, five-year loan up to \$24,999, with no required annual or monthly payments, is available. 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/or installation, and related engineering or design for improvements. Since specific addresses for the properties to be rehabilitated are not known at this time, site specific reviews will be completed for those laws and authorities not addressed in the broad review for each address under this program when addresses become known.

LEVEL OF ENVIRONMENTAL REVIEW CITATION: The proposed activities are categorically excluded from National Environmental Policy Act (NEPA) requirements under HUD regulations at 24 §CFR 58.35(a)(3)(i).

SITE SPECIFIC REVIEW: Travis County has chosen to tier the environmental review of the CDBG Home 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. A tiered approach is appropriate when there is a requirement to evaluate a policy or proposal early in the stages of development or when a site specific analysis of mitigation is not currently feasible and a narrower or more focused analysis is better done at a later date. Due to the nature of the CDBG Home Rehabilitation program, certain aspects of the environmental review can be completed collectively for all the sites or are not applicable, while the remaining areas of environmental review will need to be evaluated at a site-specific level based on their location and site specific conditions. The site specific reviews will cover the following laws and

authorities not addressed in the broad review: 58.5(a) Historic Properties, 58.5(b)(1) Floodplain Management, 58.5(b)(2) Wetlands Protection, 58.5(i)(1) Airport Hazards, and 58.5(i)(2) Contamination and Toxic Substances.

MITIGATION MEASURES/CONDITIONS/PERMITS: No mitigation measures, conditions, or permits are required at the broad scale. The site specific review will determine whether there are any such measures, conditions, or permits applicable at the site specific scale.

ESTIMATED PROJECT COST: This project is fully funded by Community Development Block Grant (CDBG) 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	\$1.00
B-09-UC-48-0503	Program Year 2009	\$10,743.97
B-13-UC-48-0503	Program Year 2013	\$45,360.82
B-14-UC-48-0503	Program Year 2014	\$355,730
TOTAL:		\$411,835.79

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per citation listed above. An Environmental Review Record (ERR) that documents the environmental determinations for this project is maintained on file at the Travis County Health and Human Services and Veterans Service Office, CDBG Office at 502 E. Highland Mall Blvd, Austin, TX, 78752 and may be examined or copied weekdays (8 am to 5 pm).

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Travis County HHS/VS, CDBG Office, P.O. Box 1748, Austin, TX, 78767. All comments received by December 22, 2014, will be considered by Travis County prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

Travis County certifies to HUD that Samuel T. Biscoe, Certifying Officer, in his capacity as County Judge consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows Travis County to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and Travis County's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of Travis County; (b) Travis County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and

shall be addressed to HUD at H.F. Garcia Federal Building/U.S. Courthouse, 615 E. Houston St., Suite 347, San Antonio, TX 78205. Potential objectors should contact HUD to verify the actual last day of the objection period.

Samuel T. Biscoe

Travis County Judge/Certifying Officer

AVISO DE INTENCIÓN DE SOLICITAR LIBERACIÓN DE FONDOS PARA PROYECTOS Y PROGRAMAS EN NIVELES

Fecha de Publicación: 10 de diciembre de 2014

Travis County
502 E. Highland Mall Blvd.
Austin, Texas 78752
512-854-3460

En o después del 24 de diciembre de 2014, el Condado de Travis presentará una solicitud a la Oficina Local de San Antonio del Departamento de Vivienda y Desarrollo Urbano de Estados Unidos (HUD, por sus siglas en inglés). pidiendo la liberación de fondos del Programa de Subsidios Globales para el Desarrollo Comunitario (CDBG, por sus siglas en inglés) bajo el Título I del Acta de Desarrollo de Vivienda y Comunidad de 1974, según enmendada, para llevar a cabo el siguiente proyecto.

TÍTULO DEL PROYECTO: Año Programático 2013 del Programa de Rehabilitación de Casas Habitadas por sus Propietarios en el Condado de Travis

PROPÓSITO: Para proveer fondos para servicios de reparaciones menores a casas habitadas por propietarios de bajos o moderados ingresos para mejorar la eficiencia de energía, las condiciones materiales, y/o la seguridad del hogar, todo hacia Estándares de Calidad de Vivienda.

UBICACIÓN: No se han escogidos las casas específicas pero las casas, para los residentes que apliquen y que qualifiquen, tendrán que estar localizadas en las áreas no incorporadas del Condado de Travis County o en el Pueblo de Webberville.

DESCRIPCIÓN DEL PROYECTO: Este proyecto proveerá fondos para servicios de reparaciones menores a casas habitadas por propietarios de bajos o moderados ingresos que viven en las áreas no incorporadas del Condado de Travis o en el Pueblo de Webberville, para mejorar las casas hacia Estándares de Calidad de Vivienda. El programa busca mejorar la eficiencia de energía, las condiciones materiales, y/o la seguridad del hogar. Estarán disponibles préstamos perdonables de cinco años de hasta \$24,999 a un interés de 0% sin pagos anuales o mensuales. Ejemplos de mejoramientos incluyen, pero no están limitados a: reparaciones de cimientos, techos, pisos, sistemas eléctricos, plomería, modificaciones para accesibilidad, conexiones de las casas a fuentes viables de agua a largo plazo (no parte de un proyecto de infraestructura independiente), impermeabilización, atenuación de ruido, reparaciones y/o instalación de tanques o fosas sépticas, e ingeniería o diseño para mejoras relacionadas. Como no se sabe cuáles casas específicamente se arreglarán dentro de este programa, según se sepa la ubicación, se llevarán acabo estudios ambientales a nivel específico para cada casa/propiedad para aplicar todas las leyes y autoridades que no aplican a este nivel general.

EVALUACIÓN AMBIENTAL: Las actividades propuestas están excluidas categóricamente de los requisitos de la Ley Nacional de Política Ambiental (NEPA, por sus siglas en inglés) bajo reglas de HUD codificadas en 24 §CFR 58.35(a)(3)(i).

ESTUDIO A NIVEL ESPECÍFICO: El Condado de Travis ha elegido llevar acabo la evaluación ambiental de su programa de rehabilitación de casas en niveles. De acuerdo a 24 CFR §58, una entidad responsable puede llevar acabo su evaluación ambiental en niveles para evitar repetir discusiones de los mismos asuntos en evaluaciones siguientes. Una evaluación en niveles es apropiada cuando se requiere una evaluación de una política o un

propósito en las etapas tempranas del desarrollo o cuando un análisis de mitigación del lugar específico no se puede llevar a cabo en el momento y es mejor que se haga un análisis más estrecho o enfocado más adelante. Debido a la naturaleza de este programa, ciertos aspectos de la evaluación ambiental se puede llevar a cabo colectivamente para todas las localizaciones o quizás no tiene referencia, mientras que el resto de la evaluación ambiental se tendrá que llevar a cabo para cada lugar específico de acuerdo a su localización y condiciones específicas. Evaluaciones de lugares específicos incluirán información sobre 58.5(a) Propiedades Históricas, 58.5(b)(2) Protección de Humedales, 58.5(b)(1) Manejo de las Llanuras, 58.5(i)(1) Peligros de Aeropuertos, y 58.5(i)(2) Contaminación y Sustancias Tóxicas.

PERMISOS/CONDICIONES/MEDIDAS DE MITIGACIÓN: No se requieren permisos, condiciones o medidas de mitigación a este nivel general de estudio ambiental. Durante el estudio a nivel específico, se determinará si hay permisos, condiciones o medidas de mitigación que se requieren a ese nivel.

COSTOS ESTIMADOS: Este proyecto será financiado en su totalidad por fondos recibidos del Departamento de Vivienda y Desarrollo Urbano de Estados Unidos (HUD, por sus siglas en inglés) a través de varios años al Programa de Subsidios Globales para el Desarrollo Comunitario (CDBG, por sus siglas en inglés). A siguiente está la distribución de fondos por cada año:

Número del Subsidio	Año del Subsidio	Cantidad en Dólares
B-06-UC-48-0503	Año Programático 2006	\$1.00
B-09-UC-48-0503	Año Programático 2009	\$10,743.97
B-13-UC-48-0503	Año Programático 2013	\$45,360.82
B-14-UC-48-0503	Año Programático 2014	\$355,730.00
TOTAL:		\$411,835.79

Las actividades propuestas están excluidas categóricamente bajo las reglas de HUD codificadas en 24 CFR Parte 58, acerca de requisitos de la Ley de Política Ambiental Nacional (NEPA, siglas en inglés), según la regla citada anteriormente. Un Registro de Examen Ambiental (ERR, por sus siglas en inglés) que documenta las determinaciones ambientales de este proyecto está archivado en la Oficina de Servicios Humanos y de Salud y Servicios para Veteranos del Condado de Travis, Oficina de CDBG en 502 E. Highland Mall Blvd., Austin, TX, 78752 y puede ser examinado o copiado días de semana de 8 am a 5 pm.

COMENTARIOS PÚBLICOS

Cualquier individuo, grupo, o agencia puede someter comentarios sobre el ERR a Travis County HHS/VS, CDBG Office, P.O. Box 1748, Austin, TX, 78767. Todos los comentarios recibidos en o antes del 22 de diciembre de 2014, serán considerados por el Condado de Travis antes de autorizar la solicitud para pedir que se liberen fondos.

LIBERACIÓN DE FONDOS

El Condado de Travis certifica a HUD que Samuel T. Biscoe, Oficial de Certificación, en su capacidad como Juez del Condado, consiente en aceptar la jurisdicción de las Cortes Federales si se presenta una demanda para hacer valer responsabilidades en relación al proceso de examen ambiental y que estas responsabilidades han sido satisfechas. La aprobación dada por HUD para la certificación satisface sus responsabilidades bajo NEPA y leyes asociadas, y permite que el Condado de Travis utilice fondos del programa de HUD.

OBJECIONES A LA LIBERACIÓN DE FONDOS

HUD aceptará objeciones a la liberación de fondos y la certificación del Condado de Travis por un período de quince días después de la fecha anticipada de entrega o la fecha efectiva del recibo de la solicitud (la fecha que sea más tarde) solamente si se basan en uno de los siguientes requisitos: (a) la certificación no fue ejecutada por el Oficial de Certificación del Condado de Travis; (b) el Condado de Travis omitió un paso o no llegó a una decisión o descubrimiento requerido por las reglas de HUD en 24 CFR Parte 58; (c) el recipiente del subsidio u otros participantes del proceso de desarrollo han comprometido fondos, han incurrido gastos, o han llevado a cabo actividades que no están autorizadas por 24 CFR Parte 58 antes de la aprobación de la liberación de fondos por HUD; o (d) otra agencia Federal bajo autoridad de 40 CFR Parte 1504 ha sometido un descubrimiento por escrito que el proyecto no es satisfactorio desde el punto de vista de calidad ambiental. Objeciones tienen que ser preparadas y sometidas de acuerdo a los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y deberán ser dirigidas a HUD en H.F. Garcia Federal Building/U.S. Courthouse, 615 E. Houston St., Suite 347, San Antonio, TX 78205. Personas que tengan objeciones deberán comunicarse con HUD para verificar el último día del período de objeciones.

Samuel T. Biscoe

Juez del Condado de Travis/Oficial de Certificación

Attachment D

NOI-RROF Form 7015-15

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. 07/31/2017)

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)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

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. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. 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.
5. 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.
6. 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.
7. 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:

8. 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.
9. 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)

Additional Project Description Information for HUD Form 7015.15 PY14 Travis County CDBG Owner Occupied Home Repair Project

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	\$1.00
B-09-UC-48-0503	Program Year 2009	\$10,743.97
B-13-UC-48-0503	Program Year 2013	\$45,360.82
B-14-UC-48-0503	Program Year 2014	\$355,730
TOTAL:		\$411,835.79

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 tiered strategy for the environmental review.

Tiering Process

This report includes the first tier of a two-part environmental clearance comprised of a broad level (Tier One) review and a site specific review. 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. A tiered approach is appropriate 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:

- 24 CFR 58.5(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) &(d)]
- 24 CFR 58.5(d) Sole Source Aquifers [40 CFR 149]
- 24 CFR 58.5(e) Endangered Species [50 CFR 402]
- 24 CFR 58.5(f) Wild and Scenic Rivers [36 CFR 297]
- 24 CFR 58.5(g) Air Quality [CFR parts 6,51,93]
- 24 CFR 58.5(h) Farmland Protection [7 CFR 658]
- 24 CFR 58.5(i)(1) Noise Control and Abatement [24 CFR 51B]
- 24 CFR 58.5(i)(1) Explosive and Flammable Operations [24 CFR 51C]
- 24 CFR 58.5(j) Environmental Justice [Executive Order 12898]

Site Specific Determinations

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 as well as the Compliance Checklist for 24 CFR 58.8 will be completed for each address prior to beginning work. The items to be reviewed in this final level of clearance are:

- 24 CFR 58.5(a) Historic Properties [36 CFR 800]
- 24 CFR 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 119988]
- 24 CFR 58.5(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]
- 24 CFR 58.5(i)(1) Airport Hazards [24 CFR 51D]
- 24 CFR 58.5(i)(2) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]