

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** FY24-NOFA-HACEP-Patriot-Place,-9500-Kenworthy-St.,-79924

**HEROS Number:** 900000010372727

**Responsible Entity (RE):** EL PASO, City 1 - 300 N. Campbell El Paso TX, 79901

**RE Preparer:** JoAnn Vera

**State / Local Identifier:** Texas

**Certifying Officer:** Elda Rodriguez Hefner

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

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** 9500 Kenworthy St, El Paso, TX 79924

**Additional Location Information:**

399024 (parent parcel) Location The subject property is abutting the northwest area of Stahala Drive and approximately 550 feet southeast of Kenworthy Street. The subject property is made up of approximately 4.5 acres of vacant land which is a portion of the larger parcel (399024) consisting of 58.12 acres.

**Direct Comments to:**

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

FY2024 HOME EN NOFA: New Construction HACEP dba HOME, Patriot Place IIB, 9500 Kenworthy St., El Paso, TX 79924 - Patriot Place Phase IIB is a 64-unit new construction all affordable housing project in Northeast El Paso. New construction project of 64 units to be built in 4 garden-style walk-up apartment buildings. The site work, infrastructure will be newly constructed which include all public utilities, sidewalks, streets, parking lot and playground.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

Patriot Place is a new construction, master planned community in the Kenworthy neighborhood. Future residents of Patriot Place will greatly benefit from the site's excellent public transit access and proximity to an array of parks, services, and educational opportunities. A wide range of nearby social services, jobs, educational institutions, and commercial development will provide significant opportunities for future residents. The need for affordable housing in this neighborhood and across the city is great. According to the 2019 El Paso Regional Housing plan, the city has a shortage of 3,300 rental units for households earning less than \$30,000 annually. Patriot Place will provide access to quality housing in a community-oriented environment, with outdoor gathering spaces, an After-School Learning Center, and will support current and future neighborhood resident families seeking homes which are affordable, close to transit, retail, jobs, and schools. With adjacent bus stops, the location offers easy access to a wide range of opportunities across the city to support upward mobility for residents of all ages. The site is in an area which the development will be considered infill, consistent with City priorities.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The development of Phase IIB will complete the development of approximately 10-vacant acres and will set a leading example for a more community-oriented neighborhood that is currently in need of increased affordable housing options. Patriot Place IIB's location creates a thriving environment for children and growing families. Within two miles are several educational institutions at multiple levels ranging from elementary to secondary at Coach Archie Duran Elementary School, Irvin High School, and El Paso Community College. In this area, there are also more focused areas of education such as the Emerald Nursing School on Hondo Pass Drive less than 10 minutes away. Patriot Place has access to several parks and other recreational facilities. The Sue Young Park and the Camp Cohen Water Park are popular local water parks providing an excellent family and pet-friendly environment. Other parks like the

Skyline Optimist Youth Park, Recreation Ranch Park, and the Student Memorial Park allow for various recreational opportunities.

**Maps, photographs, and other documentation of project location and description:**

- [EPCAD 9500 Kenworthy St 79924.pdf](#)
- [9500 Kenworthy St Google Maps.pdf](#)
- [6 Castner Range National Monument.pdf](#)
- [5 Phase I Photos.pdf](#)
- [4 Phase I Maps.pdf](#)
- [3 Aerial Photos.pdf](#)
- [2 Historical Records.pdf](#)
- [1 Phase I Site Vicinity Description.pdf](#)
- [Photos Patriot Kenworthy 1.pdf](#)
- [Patriot Place Project Desc SOW.pdf](#)
- [Kenworthy Site Contamination Report.pdf](#)

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

**7015.15 certified by Certifying Officer**  
on:

**7015.16 certified by Authorizing Officer**  
on:

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
M-23-MC-48-0213	Community Planning and Development (CPD)	HOME Program	\$6,216,740.00

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$6,216,740.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$17,150,276.00

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. See Attachment 1, project site is not within a Civilian or Military runway zone.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. No Coastal Barriers in El Paso, Texas. Compliance based on location and CBMA, See Attachment 2.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. See Attachment 3: FIRM 480214, PANEL 0019B, DATE 10/15/1982, ZONE C.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean

		<p>Air Act. Given the scope of project, which is limited to multi-family new construction, project is in compliance with the Clean Air Act.</p>
<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. No Coastal Zones in El Paso, Texas. Compliance based on location and CZMA. See Attachment 5.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. Photos and Contamination checklist at Inspector Section of ER. See Attachment 6 NEPAAssist resource materials for toxics / contaminates within one (1) mile of project location. Hazardous Waste, 6 sites: Walgreens #1949 ECHO Report attached with "No Violations Indicated"; City of El Paso, Walmart Neighborhood Market #5962, Comet Cleaners #6, CVS Pharmacy #11160 and Family Dollar #3211 EPA Reports attached with "No Record Data Available". Water Dischargers, 6 sites: Cohen Stadium ECHO Report attached with "Terminated Permit"; Patriot Place Apts. ECHO Report attached with "No Violations Indicated"; City of El Paso, US54 0167, TXDOT West Area and West Area Engineering + Management EPA Reports attached with "No Record Data Available". No significant non-compliance issues and will not impact nor conflict with project scope of work.</p>

<p><b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The project activities will consist of new construction Phase II of an already existing multi-family residence with ground disturbance. The project scope of work will have no effect due to nature of project activities.</p>
<p><b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The proposed project will be limited to repairs and rehabilitation and will not convert any undeveloped land. Therefore, complies with the Farmlands Protection Policy Act. See Attachment 9.</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See Attachment 10: FIRM 480214, PANEL 0019B, DATE 10/15/1982, ZONE C.</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. See Attachment 11 and response from SHPO/THC: properties not eligible for listing or No Historic Properties present or affected. The review staff, led by Charles Peveto and Drew Sitters, has completed its review and has made the following determinations based on the</p>

	<p>information submitted for review:</p> <p><b>Above-Ground Resources</b> * No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.</p> <p><b>Archeology Comments</b> * No historic properties affected. However, if cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. We have the following comments: The Subject Property overlaps with the Northgate Site (41EP6), a National Register District. In 2009, the Subject Property was surveyed by aci consulting (aci) under Texas Antiquities Committee Archeological Permit No. 5443. Aci found no evidence for 41EP6 within the footprint of the proposed Patriot Place Phase 2B and recommended excluding the Subject Property from the National Register of Historic Places (NRHP) and State Antiquities Landmark (SAL) boundaries of 41EP6. The Texas Historical Commission (THC) agreed with this recommendation and on January 30, 2010, the THC formally voted to redefine the boundaries of the SAL designation from the original 58 acres down to 7.584 acres. Therefore,</p>
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		<p>the proposed undertaking will have no adverse effects on historic properties if it remains within the area designated as the Approximate Subject Property Boundary for Phase 2B as depicted on site maps. Please note that site 41EP6, a State Antiquities Landmark, is located just east of Phase 2B and within the Approximate Parent Parcel Boundary. This area should be avoided from all construction-related impacts. If avoidance is not possible additional consultation with the THC will be required.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation. See Attachment 12A, 12B and 12C NEPA Assist resource materials for Noise Attenuation. Major Roadways: 442 ft. Diana Dr. and 883 ft. Gateway Blvd. North. HUD Calculator: 60 dnl, below the acceptable level of 65 dnl. The project scope of work will have no effect due to nature of project activities.</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The City of El Paso does not contain any EPA-designated sole source aquifers. See Attachment 13.</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.</p>
<p><b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. El Paso, Texas has no designated wild and scenic rivers on the</p>



		National Rivers Inventory. See Attachment 15.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1)** Minor beneficial impact
- (2)** No impact anticipated
- (3)** Minor Adverse Impact – May require mitigation
- (4)** Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	New Construction, Zoned C-3	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The Pajarito series consists of very deep, and well drained soils that formed in a sandy to moderately sandy mixed sediments from mixed sources. These soils are typically on plains, bajadas, and alluvial fans and have slopes of 0 to 15 percent, dominantly 1 to 3 percent. The mean annual precipitation 9 inches. The mean average annual air temperature is about 61 degrees F/USDA Soil Survey	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Major Roadways: 442 ft. Diana Dr. and 883 ft. Gateway Blvd. North. HUD Calculator: 60 dnl, below the acceptable level of 65 dnl.	
<b>SOCIOECONOMIC</b>			

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
Employment and Income Patterns	1	This development is multi-family residence. The City which has experienced significant growth in the past 5 years bringing additional recreational, residential,	
Demographic Character Changes / Displacement	1	This property is a multi-family residential development. No displacement.	
Environmental Justice EA Factor	2	N/A	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	1	Educational and Cultural Facilities have been identified in the vicinity of the proposed project site.	
Commercial Facilities (Access and Proximity)	1	Commercial Facilities are located in the vicinity of the proposed project site.	
Health Care / Social Services (Access and Capacity)	1	Health care is located in the vicinity of the proposed project site.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The City of El Paso Environmental Services department provides commercial garbage, recycling collection.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	El Paso Water Utilities provides services for project site.	
Water Supply (Feasibility and Capacity)	2	El Paso Water Utilities provides services for project site.	
Public Safety - Police, Fire and Emergency Medical	2	Police, fire and medical services are available within proximity to property site.	
Parks, Open Space and Recreation (Access and Capacity)	2	Educational and Cultural Facilities have been identified in the vicinity of the proposed project site.	
Transportation and Accessibility (Access and Capacity)	2	Ridership is imperative to public transportation's success. The transportation corridor is a benefit to El Paso's future residents because they rely heavily on public transportation to commute to jobs.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	N/A	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	N/A	
Other Factors 1			
Other Factors 2			
<b>CLIMATE AND ENERGY</b>			
Climate Change	2	No potential environmental concerns identified.	
Energy Efficiency	1	New construction to include state of the art high efficiency energy conservation materials.	

**Supporting documentation**

[479472-ESA El Paso Tx 9500 Kenworthy St Final\(1\).pdf](#)

[5 Phase I Photos\(1\).pdf](#)

[4 Phase I Maps\(1\).pdf](#)

[3 Aerial Photos\(1\).pdf](#)

[1 Phase I Site Vicinity Description\(1\).pdf](#)

**Additional Studies Performed:**

Patriot Place is surrounded by a wide range of amenities to help support and provide equitable opportunities to low-income families. Phase IIB has great direct access to the local Sun Metro bus network. Dyer St. is a major commercial corridor for the local community which provides access to stores such as Starbucks, Ross Dress for Less, Dunkin Donuts, Food King, and several local restaurants. Public transit accessibility for these shops allows for several employment opportunities as well as options for consumerism. In addition to Food King, there are other local grocery and general merchandise stores such as Walmart, Family Dollar, and local markets.

**Field Inspection [Optional]:** Date and completed

by:

Omar Delgado

11/21/2023 12:00:00 AM

[6 Castner Range National Monument.pdf](#)  
[5 Phase I Photos.pdf](#)  
[4 Phase I Maps.pdf](#)  
[3 Aerial Photos.pdf](#)  
[2 Historical Records.pdf](#)  
[1 Phase I Site Vicinity Description.pdf](#)  
[Photos Patriot Kenworthy 1.pdf](#)  
[Patriot Place Project Desc SOW.pdf](#)  
[Kenworthy Site Contamination Report.pdf](#)

**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**  
Fish and Wildlife; NEPAassist Neighborhood Association

**List of Permits Obtained:**

**Public Outreach [24 CFR 58.43]:**

**Cumulative Impact Analysis [24 CFR 58.32]:**

The need for affordable housing in this neighborhood and across the city is great. According to the 2019 El Paso Regional Housing plan, the city has a shortage of 3,300 rental units for households earning less than \$30,000 annually. Patriot Place will provide access to quality housing in a community-oriented environment, with outdoor gathering spaces, an After-School Learning Center, and will support current and future neighborhood resident families seeking homes which are affordable, close to transit, retail, jobs, and schools. With adjacent bus stops, the location offers easy access to a wide range of opportunities across the city to support upward mobility for residents of all ages. The site is in an area which the development will be considered infill, consistent with City priorities.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

Not applicable since there were no other course of action considered.

**No Action Alternative [24 CFR 58.40(e)]**

If there is no action taken, the vacant lot will deteriorate and become an eyesore for the residents of Patriot Place I.

**Summary of Findings and Conclusions:**

In May 2021, HOME, with its private development partner, broke ground on Patriot Place Phase I, which is a 110-unit multi-family development. In November 2022, the project was completed and began leasing. Patriot Place Phase IIA is a continuation of Patriot Place Phase I which will be self-developed by HOME's development entity, Paisano Housing Redevelopment Corp (PHRC). The project consists of 40 Low Income Tax Credit (LIHTC) units with no rental subsidy and units will range in size from 1-3 bedrooms. HOME has applied for 9% tax credits from the Texas Department of Housing and Community Affairs (TDHCA) and anticipates an award in July 2023. In addition to the 40 affordable housing units, the development will include an After-School Learning Center, community center, and outdoor space which includes a playground and seating. The site will also have a path which provides a direct link to Sue Young Park. The development of Phase IIB will complete the development of approximately 10-vacant acres and will set a leading example for a more community-oriented neighborhood that is currently in need of increased affordable housing options.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are 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.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure or Condition</b>	<b>Comments on Completed Measures</b>	<b>Mitigation Plan</b>	<b>Complete</b>
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**Project Mitigation Plan**

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. See Attachment 1, project site is not within a Civilian or Military runway zone.

#### Supporting documentation

[Attachment 1 Airport 9500 Kenworthy 79924.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**1. Is the project located in a CBRS Unit?**

No

Document and upload map and documentation below.

Yes

#### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. No Coastal Barriers in El Paso, Texas. Compliance based on location and CBMA, See Attachment 2.

#### Supporting documentation

[Attachment 2 Coastal Barrier.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

**2. Upload a FEMA/FIRM map showing the site here:**

[Attachment 3 Flood 9500 Kenworthy 79924.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

No

Based on the response, the review is in compliance with this section.

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**



Yes

✓ No

**Screen Summary**

**Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. See Attachment 3: FIRM 480214, PANEL 0019B, DATE 10/15/1982, ZONE C.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

No

### Air Quality Attainment Status of Project's County or Air Quality Management District

**2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

### Screen Summary

#### Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Given the scope of project, which is limited to multi-family new construction, project is in compliance with the Clean Air Act.

FY24-NOFA-HACEP-Patriot-  
Place,-9500-Kenworthy-  
St.,-79924

El Paso, TX

900000010372727

**Supporting documentation**

[Attachment 4 Air Quality Kenworthy 79924.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### Compliance Determination

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. No Coastal Zones in El Paso, Texas. Compliance based on location and CZMA. See Attachment 5.

#### Supporting documentation

[Attachment 5 Coastal Zone.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)  
ASTM Phase II ESA  
Remediation or clean-up plan  
ASTM Vapor Encroachment Screening  
None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- No

**Explain:**

Upon review, there were no toxic and/or hazardous substance found nearby property site. See Site Specific Field Contamination Checklist.  
Upon review, there were no toxic and/or hazardous substance found nearby property site. See Site Specific Field Contamination Checklist.

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

### Compliance Determination

Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. Photos and Contamination checklist at Inspector Section of ER. See Attachment 6 NEPAassist resource materials for toxics / contaminants within one (1) mile of project location. Hazardous Waste, 6 sites: Walgreens #1949 ECHO Report attached with "No Violations Indicated"; City of El Paso, Walmart Neighborhood Market #5962, Comet Cleaners #6, CVS Pharmacy #11160 and Family Dollar #3211 EPA Reports attached with "No Record Data Available". Water Dischargers, 6 sites: Cohen Stadium ECHO Report attached with "Terminated Permit"; Patriot Place Apts. ECHO Report attached with "No Violations Indicated"; City of El Paso, US54 0167, TXDOT West Area and West Area Engineering + Management EPA Reports attached with "No Record Data Available". No significant non-compliance issues and will not impact nor conflict with project scope of work.

### Supporting documentation

[RCRAInfo Facility EPA Walmart NM 5962.pdf](#)  
[RCRAInfo Facility EPA Family Dollar 3211.pdf](#)  
[RCRAInfo Facility EPA CVS Pharmacy 11160.pdf](#)  
[RCRAInfo Facility EPA Comet Cleaners 6.pdf](#)  
[RCRAInfo Facility EPA City of El Paso.pdf](#)  
[479472-ESA El Paso Tx 9500 Kenworthy St Final.pdf](#)  
[ICIS Search EPA US054.pdf](#)  
[ICIS Search EPA TXDOT West Area.pdf](#)  
[ICIS Search EPA City of El Paso.pdf](#)  
[Detailed Facility Report ECHO Walgreens 1949.pdf](#)  
[Detailed Facility Report ECHO Patriot Place Apts.pdf](#)  
[Detailed Facility Report ECHO Cohen Stadium.pdf](#)  
[Attachment 6 Toxics 9500 Kenworthy 79924.pdf](#)

### Are formal compliance steps or mitigation required?

Yes

✓ No

**Endangered Species**

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

- ✓ No, the project will have No Effect due to the nature of the activities involved in the project.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Based on the response, the review is in compliance with this section.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Yes, the activities involved in the project have the potential to affect species and/or habitats.

**Screen Summary**

**Compliance Determination**

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The project activities will consist of new construction Phase II of an already existing

multi-family residence with ground disturbance. The project scope of work will have no effect due to nature of project activities.

**Supporting documentation**

[Species List Austin Ecological Services Field Office.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

**Screen Summary**

**Compliance Determination**

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The proposed project will be limited to repairs and rehabilitation and will not convert any undeveloped land. Therefore, complies with the Farmlands Protection Policy Act. See Attachment 9.

#### **Supporting documentation**

[Attachment 9 Farmland.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

**1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]**

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

None of the above

**2. Upload a FEMA/FIRM map showing the site here:**

[Attachment 3 Flood 9500 Kenworthy 79924.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

No

Based on the response, the review is in compliance with this section.

Yes

**Screen Summary**

**Compliance Determination**

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See Attachment 10: FIRM 480214, PANEL 0019B, DATE 10/15/1982, ZONE C.

**Supporting documentation**

[Attachment 10 Floodplain 9500 Kenworthy 79924.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Historic Preservation**

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

**Threshold**

**Is Section 106 review required for your project?**

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Step 1 – Initiate Consultation**

**Select all consulting parties below (check all that apply):**

- ✓ State Historic Preservation Offer (SHPO) Completed

- ✓ Advisory Council on Historic Preservation Not Required

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

- ✓ Apache Tribe of Oklahoma Response Period Elapsed

- ✓ Comanche Nation of Oklahoma Response Period Elapsed
- ✓ Fort Sill Apache Tribe of Oklahoma Response Period Elapsed
- ✓ Mescalero Apache Tribe Response Period Elapsed
- ✓ Tonkawa Tribe of Oklahoma Response Period Elapsed
- ✓ White Mountain Apache Tribe Completed
- ✓ Wichita + Affiliated Tribes Response Period Elapsed
- ✓ Ysleta Del Sur Puebla Response Period Elapsed

Other Consulting Parties

**Describe the process of selecting consulting parties and initiating consultation here:**

Written request for consultation to SHPO/THC with corresponding documentation maps, pictures, scope of work and cost estimate sent via eTRAC, THC electronic tracking system. Once concurrence is received, Tribal consultations are sent out with a 30-day waiting period.

Document and upload all correspondence, notices and notes (including comments and objections received below).

**Was the Section 106 Lender Delegation Memo used for Section 106 consultation?**

- Yes
- No

**Step 2 – Identify and Evaluate Historic Properties**

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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**Additional Notes:**

**2. Was a survey of historic buildings and/or archeological sites done as part of the project?**

Yes

No

***Step 3 –Assess Effects of the Project on Historic Properties***

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

**Screen Summary**  
**Compliance Determination**



Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. See Attachment 11 and response from SHPO/THC: properties not eligible for listing or No Historic Properties present or affected. The review staff, led by Charles Peveto and Drew Sitters, has completed its review and has made the following determinations based on the information submitted for review: Above-Ground Resources \* No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. Archeology Comments \* No historic properties affected. However, if cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains. We have the following comments: The Subject Property overlaps with the Northgate Site (41EP6), a National Register District. In 2009, the Subject Property was surveyed by aci consulting (aci) under Texas Antiquities Committee Archeological Permit No. 5443. Aci found no evidence for 41EP6 within the footprint of the proposed Patriot Place Phase 2B and recommended excluding the Subject Property from the National Register of Historic Places (NRHP) and State Antiquities Landmark (SAL) boundaries of 41EP6. The Texas Historical Commission (THC) agreed with this recommendation and on January 30, 2010, the THC formally voted to redefine the boundaries of the SAL designation from the original 58 acres down to 7.584 acres. Therefore, the proposed undertaking will have no adverse effects on historic properties if it remains within the area designated as the Approximate Subject Property Boundary for Phase 2B as depicted on site maps. Please note that site 41EP6, a State Antiquities Landmark, is located just east of Phase 2B and within the Approximate Parent Parcel Boundary. This area should be avoided from all construction-related impacts. If avoidance is not possible additional consultation with the THC will be required.

#### **Supporting documentation**

[Section 106 letter White Mountain.pdf](#)  
[THC 202402808.msg](#)  
[6 Castner Range National Monument\(1\).pdf](#)  
[2 Historical Records\(1\).pdf](#)  
[Attachment 11 Historic 9500 Kenworthy 79924.pdf](#)

**Are formal compliance steps or mitigation required?**

FY24-NOFA-HACEP-Patriot-  
Place,-9500-Kenworthy-  
St.,-79924

El Paso, TX

900000010372727

Yes

✓ No

### Noise Abatement and Control

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster  
None of the above

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

- ✓ There are no noise generators found within the threshold distances above.

Based on the response, the review is in compliance with this section. Document and upload a map showing the location of the project relative to any noise generators below.

Noise generators were found within the threshold distances.

### **Screen Summary**

#### **Compliance Determination**

The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation. See Attachment 12A, 12B and 12C NEPAassist resource materials for Noise Attenuation. Major Roadways: 442 ft. Diana Dr. and 883 ft. Gateway Blvd. North. HUD Calculator: 60 dnl, below the acceptable level of 65 dnl. The project scope of work will have no effect due to nature of project activities.

#### **Supporting documentation**

[TXDOT FTT Gateway Blvd North.pdf](#)

[TXDOT FTT Diana Dr.pdf](#)

[DNL Calculator HUD Exchange.pdf](#)

[Attachment 12C Roadways Kenworthy 79924.pdf](#)

[Attachment 12C Roadways 9500 Kenworthy 79924.pdf](#)

[Attachment 12B Railroad 9500 Kenworthy 79924.pdf](#)

[Attachment 12A Airport 9500 Kenworthy 79924.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

- ✓ No

### Sole Source Aquifers

General requirements	Legislation	Regulation
<b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b>	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The City of El Paso does not contain any EPA-designated sole source aquifers. See Attachment 13.

**Supporting documentation**

[Attachment 13 Aquifers.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

Based on the response, the review is in compliance with this section.

Yes

### **Screen Summary**

#### **Compliance Determination**

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.

#### **Supporting documentation**

[Attachment 14 Wetlands 9500 Kenworthy 79924.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

### Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

**1. Is your project within proximity of a NWSRS river?**

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

**Screen Summary**

**Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. El Paso, Texas has no designated wild and scenic rivers on the National Rivers Inventory. See Attachment 15.

**Supporting documentation**

[Attachment 15 Wild River.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No



## Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes

No

Based on the response, the review is in compliance with this section.

### **Screen Summary**

#### **Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No