

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

Project Information

Project Name: HACEP-The-Refuge-9009-Dyer-79904

HEROS Number: 900000010204546

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

RE Preparer: JoAnn Vera

State / Local Identifier:

Certifying Officer: Elda Rodriguez Hefner

Grant Recipient (if different than Responsible Entity): Housing Authority of the City of El Paso

Point of Contact: Tom Deloye

Consultant (if applicable):

Point of Contact:

Project Location: 9009 Dyer St, El Paso, TX 79904

Additional Location Information:

N/A

Direct Comments to:

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

The Housing Authority of the City of El Paso (HACEP) dba HOME - Siesta Gardens "The Refuge" existing structures will be demolished and property will be graded, infrastructure and utilities added to accommodate a multi-phase development. The development will consist of two garden-style apartment buildings (constructed from shipping containers). Located at 9009-9013 Dyer St. plus the acreage behind the existing structures on the western portion of the property. The development will consist of 22 two-story garden style apartment units.

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

The current plan calls for the replacement of the 22 existing subsidized affordable units with 22 new subsidized units in phase 1 of the development. Further phases at the site will allow for additional affordable housing.

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

The existing housing located at the same address is substandard and in need of substantial repairs. It is a blight to the neighborhood, which is undergoing revitalization along the Dyer Street and Hondo Pass corridors. Without the ability to redevelop the entire site, the property will remain blighted.

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

- [9009 Dyer St Google Maps.pdf](#)
- [The Refuge Environmental Review Request Form.pdf](#)
- [FIELD CONTAMINATION CHECKLIST.pdf](#)
- [Phase I Topographic Map Siesta Gardens.pdf](#)
- [Phase I Site Photos Siesta Gardens.pdf](#)
- [Phase I Site Map Siesta Gardens.pdf](#)
- [Phase I Historic Aerial Photos Siesta Gardens.pdf](#)
- [Phase I Aerial Photo Siesta Gardens.pdf](#)
- [Dyer Siesta Gardens photos.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
N/A	Public Housing	Project-Based Voucher Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$0.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$3,277,000.00

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

Compliance Factors: 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)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards 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. Property site is approximately 19,308 ft. from Ft. Bliss Military Base.
Coastal Barrier Resources Act 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.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance	<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

<p>Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>		<p>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 0024B, DATE 06/12/2018 LOMR, ZONE C. Property site is not located in a flood zone.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5</p>		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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.</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (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>Contamination and Toxic Substances 24 CFR 50.3(i) & 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, ASTM Phase II 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 Onsite Contamination Checklist attached at Inspector Information section of ER. See Attachment 6 NEPAAssist resource materials for Toxics / Contaminates within 1 mile of project location. Hazardous Waste, 8 sites: City of El Paso, Walmart Neighborhood Market #5962, Rojas + Sons Body and Paint Shop, Walgreens #1949 and Family Dollar #3211 ECHO Reports attached with "No Violations Indicated"; CVS</p>

		Pharmacy #11160, Country Club Bod Shop and Northpark Hospital EPA Reports attached with "No Record Data Available". No significant non-compliance issues and will not impact nor conflict with project scope of work.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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 demolition and construction of shipping container housing and will not convert any undeveloped land. Therefore, complies with the Farmlands Protection Policy Act. See Attachment 9.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See Attachment 10: FIRM: 480214, PANEL 0024B, DATE 06/12/2018 LOMR, ZONE C
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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: No historic properties are present or affected by the project as proposed.
Noise Abatement and Control	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The Preliminary Screening identified no

<p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>		<p>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. Airport Noise Contour is outside of the property site. Railroad is approximately 7,129 ft. from property site. Major Roadways: Hondo Pass is 605 ft. and Dyer St. is 450 ft. from property site. Attached HUD DNL Calculator is at 61dnl, well below the acceptable standard of 65db.</p>
<p>Sole Source Aquifers 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>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.</p>
<p>Wild and Scenic Rivers Act 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 National Rivers Inventory. See Attachment 15.</p>
<p>HUD HOUSING ENVIRONMENTAL STANDARDS</p>		
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.</p>

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.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The refuge is a new construction, mixed use development on approximately 5 acres of land in Northeast El Paso. The development will consist of 22 to 38 two-story garden style apartment units constructed using shipping containers.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	Soil is well drained textures; moderately well and well drained soils with moderately coarse Hydrologic Group: Class B - Moderate infiltration rates. Deep and moderately deep, Soil Surface Texture: fine sandy loam	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Airport Noise Contour is outside of the property site. Railroad is approximately 7,129 ft. from property site. Major Roadways: Hondo Pass is 605 ft. and Dyer St. is 450 ft. from property site. Attached HUD DNL Calculator is at 61dnl, well below the acceptable standard of 65db.	
Energy Consumption/Energy Efficiency	1	Implementation of energy conservation materials in the construction of multi-family housing.	
SOCIOECONOMIC			
Employment and Income Patterns	2	This development is public housing for very-low to low income households.	
Demographic Character Changes / Displacement	2	The property is zoned C-3	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	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.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The City of El Paso Environmental Services department provides commercial garbage, recycling collection and disposal services for the project site.	
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	1	Police, fire and medical services are available within proximity to property site.	
Parks, Open Space and Recreation (Access and Capacity)	1	Parks and Recreation Center are available within close proximity to property site.	
Transportation and Accessibility (Access and Capacity)	1	Ridership is imperative to public transportation's success. The transportation corridor is a benefit to El Paso's Northeast future residents because they rely heavily on public transportation to commute to jobs.	
NATURAL FEATURES			
Unique Natural Features /Water Resources		N/A	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	N/A	
Other Factors			

Supporting documentation

- [Phase II Report 9009 thru 9013 Dyer Street\(1\).pdf](#)
- [SiestaGardens Phase I ESA Report Part 4.pdf](#)
- [SiestaGardens Phase I ESA Report Part 3.pdf](#)
- [SiestaGardens Phase I ESA Report Part 2.pdf](#)
- [SiestaGardens Phase I ESA Report Part 1.pdf](#)
- [Zoning 9009 to 9013 Dyer 79904.pdf](#)
- [The Refuge Siesta Gardens Container Concept.pdf](#)
- [The Refuge Conceptual Design.pdf](#)
- [Places HACEP The Refuge.pdf](#)
- [Phase I Soil Info Siesta Gardens.pdf](#)

Additional Studies Performed:

Field Inspection [Optional]: Date and completed

by:

Jo Ann Vera

7/16/2021 12:00:00 AM

[The Refuge Environmental Review Request Form.pdf](#)

[FIELD CONTAMINATION CHECKLIST.pdf](#)

[Phase I Topographic Map Siesta Gardens.pdf](#)

[Phase I Site Photos Siesta Gardens.pdf](#)

[Phase I Site Map Siesta Gardens.pdf](#)

[Phase I Historic Aerial Photos Siesta Gardens.pdf](#)

[Phase I Aerial Photo Siesta Gardens.pdf](#)

[Dyer Siesta Gardens photos.pdf](#)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

U.S. Fish and Wildlife FEMA website NEPAssist website City of El Paso Historical (Planning/Inspections) City of El Paso Zoning (Planning/Inspections) Notifications to Neighborhood Associations

List of Permits Obtained:

Public Outreach [24 CFR 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

No detrimental impact have been identified to result from construction of new low-income housing. The subject property is currently a 22-unit low income housing unit owned by The Housing Authority of El Paso where individuals undergoing mental issues are sent from Emergence Medical Center. The units are in a state of disrepair and a blight to the neighborhood. Without redevelopment, the property will continue to deteriorate.

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

The subject property is currently in a state of disrepair and is becoming a blight to the neighborhood. Without redevelopment, the property will continue to deteriorate. The

existing buildings will be demolished and replaced by state of the art shipping container housing.

No Action Alternative [24 CFR 58.40(e)]

There are no action alternatives. The property consists of approximately 5-acres and the first phase will consist of 22 to 38 two-story apartment units.

Summary of Findings and Conclusions:

The primary objectives of the proposed project is to provide low-income housing and revitalize a deteriorating area of central El Paso.

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.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
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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. Property site is approximately 19,308 ft. from Ft. Bliss Military Base.

Supporting documentation

[Attachment 1 Airport The Refuge.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.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 9009 Dyer.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

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 0024B, DATE 06/12/2018 LOMR, ZONE C. Property site is not located in a flood zone.

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.

Supporting documentation

[Attachment 4 Air Quality Ozone.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:

Visible subsurface stains and/or noxious odors were not observed in the soils during the soil boring operations. In addition, all laboratory results produced concentrations below the Texas Risk Reduction Program (TRRP) Protective Concentration Levels (PCL's). The Tier Residential Soil PCLs were utilized as the values of comparison with those received by the laboratory. Based on the information gathered, in our opinion, the possibility of contamination to the soils due to the presence of the waste piles is not present at this site, at this time. No further investigation is warranted, at this time.

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, ASTM Phase II 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 Onsite Contamination Checklist attached at Inspector Information section of ER. See Attachment 6 NEPAassist resource materials for Toxics / Contaminates within 1 mile of project location. Hazardous Waste, 8 sites: City of El Paso, Walmart Neighborhood Market #5962, Rojas + Sons Body and Paint Shop, Walgreens #1949 and Family Dollar #3211 ECHO Reports attached with "No Violations Indicated"; CVS Pharmacy #11160, Country Club Bod Shop and Northpark Hospital 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

[SiestaGardens Phase I ESA Report.pdf](#)

[Phase II Report 9009 thru 9013 Dyer Street.pdf](#)

[RCRAInfo Search Results Envirofacts Northpark Hospital.pdf](#)

[RCRAInfo Search Results Envirofacts Country Club Bodyshop.pdf](#)

[RCRAInfo Search Results Envirofacts CVS Pharmacy 11160.pdf](#)

[Detailed Facility Report ECHO Family Dollar 3211.pdf](#)

[Detailed Facility Report ECHO Walgreens 1949.pdf](#)

[Detailed Facility Report ECHO Rojas Sons Body Shop.pdf](#)

[RCRAInfo Search Results Envirofacts WalMart NH Market.pdf](#)

[Detailed Facility Report ECHO City of El Paso.pdf](#)

[Attachment 6 Toxics The Refuge.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.

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.

2. Are federally listed species or designated critical habitats present in the action area?

- ✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

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

Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

Screen Summary

Compliance Determination

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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 liquefied 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.)	7 CFR Part 658

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 demolition and construction of shipping container housing 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 9009 Dyer.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 0024B, DATE 06/12/2018 LOMR, ZONE C

Supporting documentation

[Attachment 10 Floodplain 9009 Dyer.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" http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html

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) In progress

- ✓ 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	Response Period Elapsed
✓ Mescalero Apache Tribe of New Mexico	Response Period Elapsed
✓ Tonkawa Tribe of Oklahoma	Response Period Elapsed
✓ White Mountain Apache Tribe	Completed
✓ Wichita and Affiliated Tribes	Response Period Elapsed
✓ Ysleta Del Sur Pueblo	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.

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

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: No historic properties are present or affected by the project as proposed.

Supporting documentation

[THPO Consultation Letter White Mountain Apache Tribe.pdf](#)
[Section 106 Submission 202113732.msg](#)
[Attachment 11 Historic The Refuge.pdf](#)

Are formal compliance steps or mitigation required?

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. Airport Noise Contour is outside of the property site. Railroad is approximately 7,129 ft. from property site. Major Roadways: Hondo Pass is 605 ft. and Dyer St. is 450 ft. from property site. Attached HUD DNL Calculator is at 61dnl, well below the acceptable standard of 65db.

Supporting documentation

[DNL Calculator HUD Exchange The Refuge.pdf](#)

[TXDOT Hondo Pass FTT.pdf](#)

[TXDOT Dyer St FTT.pdf](#)

[Attachment 12C Roadways Hondo Pass Dr.pdf](#)

[Attachment 12C Roadways Dyer St.pdf](#)

[Attachment 12B Railroad The Refuge.pdf](#)

[Attachment 12A Airport The Refuge.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sole Source Aquifers

General requirements	Legislation	Regulation
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.	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

✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.

Supporting documentation

[Attachment 14 Wetlands Dyer St.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