

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

**Project Information**

**Project Name:** HACEP-Cielo-Tower-201-Cortez-Dr-79905

**HEROS Number:** 900000010208241

**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:** 201 Cortez Dr, El Paso, TX 79905

**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 El Paso (HACEP) dba HOME, low-income housing property located at 201 Cortez Dr., El Paso, TX 79905, built in 1991, is a 9-story high rise building consisting of 123 units. An approximately 1-acre parcel to the west of the property will be reserved for development at a later date. The former Pooley complex is vacant at this time. The HACEP - Cortez Plaza aka Cielo Tower will undergo substantial rehabilitation to the property completing interior demolition to the studs. The 9-story high rise building consisting of 123 units will be a full, gut renovation of the property to include asbestos and lead-based paint abatement, replacement of mechanical, electrical and plumbing, updated interiors, new appliances, cabinets, flooring, windows, updated amenities, landscaping and updated facade.

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

Pooley Apartments is a former vacant senior public housing high-rise building which will be substantially rehabilitated to preserve the affordability. The Part 58 Review will allow the developer/owner, which is HOME, the ability to increase the affordability by providing deeply subsidized units utilizing operating subsidy, both Section 9 (Public Housing), Section 8, and public housing capital funds, to assist low-income El Paso senior residents. The building is a seven-story structure with three small sheds for storage of maintenance equipment and one is used as the mechanical room for the boiler. There is an asphalt parking lot and landscaping with grass and trees to the east and west of the building.

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

Pooley Apartments (a.k.a. Cielo Tower) is currently vacant and in need of substantial rehabilitation. The building is a seven-story structure with two small sheds for storage of maintenance equipment and one which is used as the mechanical room for the boiler. There is an asphalt parking lot and landscaping with grass and trees to the east and west of the building. The project, located in Central El Paso, at 201 Cortez Drive, El Paso, TX 79905, is across the street from the former Housing Authority of the City of El Paso headquarters building, and is near grocery (Food City) and general merchandise shopping located in the Fox Plaza Shopping Center and Mercado. The El Paso Children's Hospital, Texas Tech University Medical Center, the El Paso Health Department and other commercial businesses, health facilities and municipal agencies located in the area. These business and public agencies will continue to exist with or without the project. In the 25.11 mile Primary Market Area (PMA) are 2,501 stabilized residential developments which provide housing for families and seniors with incomes at or below 60% of AMI. Since 2016, 1,823 units have been rehabilitated or newly constructed to serve low-income families. In 2021 the number of units for the general population is 98,184; in 2023 the number is projected to be 96,430; and in five years the number of units will be 93,799. The number of units to serve seniors in 2021 is 33,007; in 2023 it will be 33,062 and in 5 years it is anticipated there will be 33,140 units to serve the senior population in this PMA. Senior housing in this location is ideal

for senior citizens as it is within walking distance to shopping; on a major bus route and near medical facilities and government services (El Paso Department of Health).

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

- [EPCAD 201 Cortez Dr 79905.pdf](#)
- [Google Maps 201 Cortez 79905.pdf](#)
- [FIELD CONTAMINATION CHECKLIST Cortez.pdf](#)
- [Phase I Site Photos.pdf](#)
- [Phase I Historical Topographic Maps.pdf](#)
- [Phase I Historical Aerial Photos.pdf](#)
- [7 201 Cortez right side building.pdf](#)
- [6 201 Cortez right side backyard.pdf](#)
- [5 201 Cortez left side building.pdf](#)
- [4 201 Cortez left side backyard.pdf](#)
- [3 Cortez Southside street view.pdf](#)
- [2 Cortez Northside street view.pdf](#)
- [1 201 Cortez Dr front.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	Other Public Housing Program
N/A	Public Housing	Project-Based Voucher Program

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$6,778,318.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$22,571,219.00

**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 0040B, 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	Based on the project description, this project includes no activities that would require further evaluation under the

		Clean Air Act. The project is in compliance with the Clean Air Act.
<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 Field Contamination Checklist attached at Inspector Information section of ERR. See Attachment 6 NEPAAssist resource materials used for Toxics / Contaminates within 1 mile of project location. Hazardous Waste, 19 sites: US Postal Services and Chevron USA ECHO Reports attached with "No Violations Indicated": Medical Compliance Services, Meribah, Family Dollar #2781, The Pep Boys, Body Pros Collision Center, Del Camino Cleaners, University Medical Center J+J Body + Paint, Texas Tech, El Paso Press Box, GTE Lighting, 5169 El Paso Facility, Family Dollar #5339, Texas Tech Health, Wells Lamont Corp., Cooper Industries and El Paso Disposal EPA Reports attached with "No Record Data Available: Water Dischargers, 10 sites: South Central Drainage, Josefina Tinajero MD and El Paso Disposal Office ECHO Reports attached with "No Violations Indicated"; Colfax + Euclid Project and Modern Iron Works ECHO Reports attached with "Terminated Permit"; Jefferson High School, Texas</p>

		Tech Health, TTUHSC Building, AMC Bus and Los Angeles Limo Express EPA Facility Reports attached. Brownfields, 3 sites: 5115 El Paso Dr., 5169 El Paso Dr., and Health Department Property Profile Reports attached. Toxic Releases: Swift Eckrich ECHO Report attached with "No data records returned". No significant non-compliance issues and will not impact nor conflict with project scope of work.
<b>Endangered Species Act</b> 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 due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.
<b>Farmlands Protection</b> 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 repairs and rehabilitation and will not convert any undeveloped land. Therefore, complies with the Farmlands Protection Policy Act. See Attachment 9.
<b>Floodplain Management</b> 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 0040B, DATE 10/15/1982, ZONE C.
<b>Historic Preservation</b> 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 properties not eligible for listing or No Historic Properties present or affected.

<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>A Noise Assessment was conducted. The noise level was acceptable: 61.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. See Attachment 12A, 12B and 12C NEPAassist resource materials, US Railroad Inventory Crossings and US TXDOT Future Truck Traffic. Railroad approximated 2,659 ft., E. Paisano Dr., 564 ft., Blanco Ave. 420 ft. and Cortez Dr. 133 ft. from project location. HUD DNL Calculator: 61dnl, well below the acceptable level of 65dnl. No significant non-compliance issues and will not impact nor conflict with project scope of work.</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>Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. 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. No new construction and/or ground disturbance. 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 National Rivers Inventory. See Attachment 15.</p>
<p><b>HUD HOUSING ENVIRONMENTAL STANDARDS</b></p>		
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b> 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</p>

		environmental review. The project is in compliance with Executive Order 12898.
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**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
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Cielo Tower is a complete gut rehab on approximately 1 acre of land in central El Paso. The re-development will consist of a 9-story high-rise building, 123 units with substantial rehab by competing interior demolition to the studs.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	SSURGO classifies the top soil components as a type known as Gila. The texture is described as a fine sandy loam. Soils are well drained with moderate infiltration rates with moderately coarse textures. According to the EDR report, depth to bedrock is greater than 0 inches.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Airport Noise Contour is outside of the property site. Railroad is approximately 2,659 ft. from property site. Major Roadways: E. Paisano Dr. is 564 ft., Blanco Ave. is 420 ft. and Cortez Dr. is 133 ft. from property site. Attached HUD DNL Calculator is at 61dnl, below the acceptable standard of 65db.	
Energy Consumption/Energy Efficiency	1	Implementation of energy conservation materials in the construction of multi-family housing.	
<b>SOCIOECONOMIC</b>			



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Employment and Income Patterns	2	This re-development is public housing for very-low to low income households. The City which has experienced significant growth in the past 5 years bringing additional recreational, residential, retail and commercial activity and services.	
Demographic Character Changes / Displacement	2	The property is zoned C-3	
<b>COMMUNITY FACILITIES AND SERVICES</b>			
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)	2	Commercial Facilities are located in the vicinity of the proposed project site.	
Health Care / Social Services (Access and Capacity)	2	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 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	2	Police, fire and medical services are available within proximity to property site.	
Parks, Open Space and Recreation (Access and Capacity)	2	Parks and Recreation Center are available within close proximity to property 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.	
<b>NATURAL FEATURES</b>			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Unique Natural Features /Water Resources	2	N/A	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	1	N/A	
Other Factors			

**Supporting documentation**

- [Phase I Site Photos\(1\).pdf](#)
- [Phase I Historical Topographic Maps\(1\).pdf](#)
- [Pooley Apartments Lead Based Paint Inspection\(1\).pdf](#)
- [Pooley Apartments Asbestos Inspection\(1\).pdf](#)
- [Phase I Historical Aerial Photos\(1\).pdf](#)
- [Phase I ESA Report 201 Cortez Pooley Report.pdf](#)

**Additional Studies Performed:**

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

by:

JoAnn Vera

8/4/2021 12:00:00 AM

[FIELD CONTAMINATION CHECKLIST Cortez.pdf](#)

- [Phase I Site Photos.pdf](#)
- [Phase I Historical Topographic Maps.pdf](#)
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- [4 201 Cortez left side backyard.pdf](#)
- [3 Cortez Southside street view.pdf](#)
- [2 Cortez Northside street view.pdf](#)
- [1 201 Cortez Dr front.pdf](#)

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

Texas Historical Commission FEMA Fish + Wildlife website NEPAassist Resource website

**List of Permits Obtained:**

Lead-Based Paint Report and Asbestos Report.

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

Neighborhood Associations: Val Verde Neighborhood Association, Washington - Delta Neighborhood Association and San Juan Neighborhood Improvement Association. FONSI published in the El Paso Times September 28, 2021.

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

The property is a former public housing, 9-story high-rise building consisting of 123 units. An approximately 1 acre parcel to the west of the property will be reserved for development at a later date. Cortez' Cielo Tower will be substantially rehabilitated to preserve affordability in the central of the City of El Paso. The full gut renovation of the property will include asbestos and lead-based paint abatement, replacement of mechanical, electrical and plumbing, updated interiors, new appliances, cabinets, flooring, windows, updated amenities, landscaping and an updated facade. The Housing Authority of El Paso dba HOME understands that 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 a complete gut rehab.

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

There are no action alternatives. The property consists of approximately 1 acre and will consist of 123 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.

<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 Cortez HACEP.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 201 Cortez 79905.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 0040B, 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

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

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. 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:**

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 Field Contamination Checklist attached at Inspector Information section of ERR. See Attachment 6 NEPAassist resource materials used for Toxics / Contaminates within 1 mile of project location. Hazardous Waste, 19 sites: US Postal Services and Chevron USA ECHO Reports attached with "No Violations Indicated": Medical Compliance Services, Meribah, Family Dollar #2781, The Pep Boys, Body Pros Collision Center, Del Camino Cleaners, University Medical Center J+J Body + Paint, Texas Tech, El Paso Press Box, GTE Lighting, 5169 El Paso Facility, Family Dollar #5339, Texas Tech Health, Wells Lamont Corp., Cooper Industries and El Paso Disposal EPA Reports attached with "No Record Data Available: Water Dischargers, 10 sites: South Central Drainage, Josefina Tinajero MD and El Paso Disposal Office ECHO Reports attached with "No Violations Indicated"; Colfax + Euclid Project and Modern Iron Works ECHO Reports attached with "Terminated Permit"; Jefferson High School, Texas Tech Health, TTUHSC Building, AMC Bus and Los Angeles Limo Express EPA Facility Reports attached. Brownfields, 3 sites: 5115 El Paso Dr., 5169 El Paso Dr., and Health Department Property Profile Reports attached. Toxic Releases: Swift Eckrich ECHO Report attached with "No data records returned". No significant non-compliance issues and will not impact nor conflict with project scope of work.

#### **Supporting documentation**

[Pooley Apartments Lead Based Paint Inspection.pdf](#)  
[Pooley Apartments Asbestos Inspection.pdf](#)  
[Phase I ESA Report 201 Cortez Dr Pooley Report.pdf](#)  
[RCRAINFO Search EPA UMC.pdf](#)  
[RCRAINFO Search EPA Texas Tech\(1\).pdf](#)  
[RCRAINFO Search EPA Texas Tech Health.pdf](#)  
[RCRAINFO Search EPA Pep Boys.pdf](#)  
[RCRAINFO Search EPA Meribah.pdf](#)  
[RCRAINFO Search EPA Medical Compliance Services.pdf](#)  
[RCRAINFO Search EPA J+J Body + Paint.pdf](#)  
[RCRAINFO Search EPA GTE Lighting.pdf](#)  
[RCRAINFO Search EPA Family Dollar 2781.pdf](#)  
[RCRAINFO Search EPA El Paso Press Box.pdf](#)  
[RCRAINFO Search EPA El Paso Disposal.pdf](#)  
[RCRAINFO Search EPA Cooper Industries.pdf](#)  
[RCRAINFO Search EPA Body Pros Collision Center.pdf](#)  
[RCRAINFO Search EPA 5169 El Paso Facility.pdf](#)  
[Property Profile Health Dept.pdf](#)  
[Property Profile 5169 El Paso Dr.pdf](#)  
[Property Profile 5115 El Paso Dr.pdf](#)  
[ICIS Search EPA TTUMSC Building.pdf](#)

[ICIS Search EPA Texas Tech Health.pdf](#)  
[ICIS Search EPA Los Angeles Limo Express.pdf](#)  
[ICIS Search EPA Jefferson High School.pdf](#)  
[ICIS Search EPA AMC Bus.pdf](#)  
[Detailed Facility Report ECHO US Postal Service.pdf](#)  
[Detailed Facility Report ECHO Swift Eckrich.pdf](#)  
[Detailed Facility Report ECHO South Central Drainage.pdf](#)  
[Detailed Facility Report ECHO Modern Iron Works.pdf](#)  
[Detailed Facility Report ECHO Josefina Tinagero MD.pdf](#)  
[Detailed Facility Report ECHO El Paso Disposal.pdf](#)  
[Detailed Facility Report ECHO Colfax + Euclid Project.pdf](#)  
[Detailed Facility Report ECHO Chevron USA.pdf](#)  
[Attachment 6 Toxics Cortez HACEP.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.

#### Supporting documentation

**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

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

Yes

### Screen Summary

#### Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. 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 201 Cortez 79905.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 0040B, DATE 10/15/1982, ZONE C.

**Supporting documentation**

[Attachment 10 Floodplain 201 Cortez 79905.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="http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html</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) 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 In progress
  - ✓ Comanche Nation of Oklahoma In progress

- |  |             |
|--|-------------|
| ✓ Fort Sill Apache Tribe               | In progress |
| ✓ Mescalero Apache Tribe of New Mexico | In progress |
| ✓ Tonkawa Tribe of Oklahoma            | In progress |
| ✓ White Mountain Apache Tribe          | Completed   |
| ✓ Wichita and Affiliated Tribes        | In progress |
| ✓ Ysleta Del Sur Pueblo                | Completed   |

#### 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.

<b>Address / Location / District</b>	<b>National Register Status</b>	<b>SHPO Concurrence</b>	<b>Sensitive Information</b>
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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.

**Supporting documentation**

[THPO Consultation Letter White Mountain.pdf](#)

[RE HUD PBV Project HACEP Cielo Tower YDS.msg](#)  
[Attachment 11 Historic Cortez HACEP.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

Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

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.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 61

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 61

Document and upload noise analysis, including noise level and data used to complete the analysis below.

**Screen Summary**

**Compliance Determination**

A Noise Assessment was conducted. The noise level was acceptable: 61.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. See Attachment 12A, 12B and 12C NEPAassist resource materials, US Railroad Inventory

Crossings and US TXDOT Future Truck Traffic. Railroad approximated 2,659 ft., E. Paisano Dr., 564 ft., Blanco Ave. 420 ft. and Cortez Dr. 133 ft. from project location. HUD DNL Calculator: 61dnl, well below the acceptable level of 65dnl. No significant non-compliance issues and will not impact nor conflict with project scope of work.

**Supporting documentation**

[DNL Calculator HUD 201 Cortez.pdf](#)  
[USDOT Crossing Inventory Chelsea St.pdf](#)  
[TXDOT E Paisano Dr.pdf](#)  
[TXDOT Cortez Dr.pdf](#)  
[TXDOT Blanco Ave.pdf](#)  
[Attachment 12C Roadway Cortez\(2\).pdf](#)  
[Attachment 12C Roadway Cortez to Paisano.pdf](#)  
[Attachment 12C Roadway Cortez to Blanco.pdf](#)  
[Attachment 12B Railroad Cortez HACEP.pdf](#)  
[Attachment 12A Airport Cortez HACEP.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

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

No

#### Screen Summary

##### **Compliance Determination**

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. 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. No new construction and/or ground disturbance. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.

#### **Supporting documentation**

[Attachment 14 Wetlands Cortez HACEP.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