# COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS

July 14, 2017
City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4<sup>th</sup> Floor
Houston, TX 77007
(832) 394-6183

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

## REQUEST FOR RELEASE OF FUNDS

On or about **Tuesday**, **August 1**, **2017** City of Houston's Housing and Community Development Department will submit a request to the U.S. Department of Housing and Urban Development for the release of the following funds:

Section 420 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (Pub. L. 114-113, approved December 18, 2015) (Appropriations Act) makes available \$300 million in Community Development Block Grant (CDBG) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2015, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.), related to the consequences of Hurricane Joaquin and adjacent storm systems, Hurricane Patricia, and other flood events.

The City of Houston's Housing and Community Development Department (HCDD) submitted an Action Plan for Disaster Recovery—2015 Flood Events (Plan) to HUD on September 19, 2016 and updated November 17, 2016. The Federal Department of Housing and Urban Development (HUD) awarded on December 7, 2016 to the City of Houston \$66,560,000 in federal funds associated with disasters declared on May 29, 2015 (DR-4223) and on November 25, 2015 (DR-4245).

The funds being used for this project are part of the Action Plan described above, and are authorized by the laws identified in the first paragraph describing said funds. They are Community Development Block Grant Disaster Recovery (CDBG-DR) funds, and they will be used to undertake a project known as:

Project Title: DR15 Storm Water Action Team (SWAT) 12A - Bonita Gardens Area Drainage & Paving Improvements

Location: This project is generally bounded by Laura Koppe to the north, Lockwood Drive to the east, Union Pacific Railroad the South, and US 59/IH 69 to the west, Houston, Harris County, Texas

**Purpose of project:** The City previously completed paving and drainage improvements on Hirsch (Kelley to E. Crosstimbers) to provide improved trunk storm sewer capacity to serve the

areas adjacent to Hirsch.

The side-streets along Hirsch utilize roadside ditches to convey storm water runoff to the Hirsch trunk storm sewer. The existing roadside ditches are in poor condition and require reconstruction to adequately convey storm water runoff to the Hirsch trunk storm sewer.

This project will provide ditch regrading and re-establishment to the receiving points of the Hirsch Road drainage systems. Driveway culverts will be replaced and resized to allow sufficient flow capacities for the drainage areas. In addition, the existing asphalt and/or concrete streets will be analyzed for required base repairs and asphalt overlays or concrete panel replacements to provide these neighborhoods with better roadways.

The construction phase of this project will be conducted by the City of Houston Public Works & Engineering Department (PWE).

Please note that conditions for receiving the HUD federal funding sought for this project are as follows, with penalties for failure to follow these conditions including but not limited to the remittal of federal funding to HUD:

No reconstruction or subsurface work (excavation more than five (5) feet under the ground surface) is expected to be performed. In the event that any reconstruction or subsurface work with more than 5 feet of excavation is performed, an ASTM E1903-11 Phase II Environmental Site Assessment (ESA) will be performed. If evidence of contamination with a potential for adverse environmental impact is discovered by said Phase II ESA, work shall cease, and the City of Houston Public Works and Engineering PWE shall contact the TCEQ to arrange for them to review and approve the mitigation plans, so that the contamination can be removed or otherwise addressed as needed. PWE will follow City of Houston Specification 02105 – Chemical Sampling and Analysis, which specifically addresses steps to take if contaminated soil is encountered in the field.

No displacement of any kind is anticipated as a part of this project. In the event that any displacement were to result from this project, all applicable provisions of the Uniform Relocation Act (URA) will be followed in any resulting relocation for homes or businesses.

Other City of Houston specifications that will be followed by PWE are: 01575 Stabilized Construction Exit; 1351 Environmental Safety and Worker Protection; 1410 TPDES Requirements, and specification 1570 Storm Water Pollution Control.

Grant No. & Amount:

B-16-MH-48-0001.....\$13,731,147.00

## FINDING OF NO SIGNIFICANT IMPACT

The City of Houston has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the above address and is available for public examination or copying weekdays 8 A.M. to 5 P.M.

#### **PUBLIC COMMENTS**

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 601 Sawyer, 4<sup>th</sup> Floor, Houston, Texas 77007. All comments received by the close of business on **Monday**, **July 31**, **2017** will be considered by the City of Houston prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

#### **RELEASE OF FUNDS**

The City of Houston certifies to HUD that Sylvester Turner, in his capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Houston to use Program funds.

# **OBJECTIONS TO RELEASE OF FUNDS**

HUD will consider objections to its release of funds and the City of Houston certification received by the close of business on Wednesday, August 16, 2017 or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the City of Houston approved by HUD; (b) the City of Houston, as Responsible Entity, has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: U.S. Department of Housing and Urban Development, 1301 Fannin Street, Suite 2200, Houston, Texas 77002. Potential objectors should contact HUD to verify the actual last day of the objection period.

Sylvester Turner, Mayor City of Houston