



**City of Lawrence**  
PLANNING & DEVELOPMENT SERVICES

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**ENVIRONMENTAL REVIEW RECORD:**  
**DETERMINATION OF LEVEL OF REVIEW**

**Project Name:** 1725 New Hampshire St. Acquisition and Rehabilitation.

**Project Number (IDIS)** \_\_\_\_\_ **HUD Program:** LDCHA **Program Year:** 2015 Capital Funds

**Project Location:** 1725 New Hampshire St.

**Project Description:** The purchase and rehabilitation of a 6 unit apartment building adjacent to Babcock Place.

*The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities", and the following determination with respect to the project is made:*

- Categorically Excluded Subject** to §58.5 authorities per 24 CFR 58.35(a)(3)(ii)(A-C)

*"In the case of multifamily residential buildings:*

*A. Unit density is not changed more than 20 percent;*

*B. The project does not involve changes in land use from residential to non-residential;  
and*

*C. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation."*

**The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.**

Prepared by: Tony L Hoch

Tony L. Hoch, Sr. Projects Specialist

5/4/2015

Date





# STATUTORY CHECKLIST

Use this worksheet for projects that are Categorically Excluded under 24 CFR §58.35(a).

**PROJECT NAME:** 1725 New Hampshire St. Acquisition and Minor Rehabilitation.

**ERR FILE #** LDCHA 1725NH

An "ERR Determination" form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

## 24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

**DIRECTIONS –** For each authority, check one of the appropriate boxes under "Status."

**"A box"** The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

**"B box"** The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

**IMPORTANT:** Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
<b>1. Air Quality</b> [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	X		This activity does not rise to the level of "major rehabilitation" or any of the other applicable activities. The "Threshold for Action" is a location in a NAAQS non-attainment area. There are No "non-attainment and maintenance areas" for the 6 criteria pollutants listed on the EPA web site for the County of Douglas in the State of Kansas: See Attached, documented from <a href="http://www.epa.gov/oar/oaqps/greenbk/index.html">www.epa.gov/oar/oaqps/greenbk/index.html</a>  *Asbestos hazards will be evaluated as part of a Phase I environmental site assessment. If hazards are identified, remediation steps will be included as part of the scope of work for rehabilitation.
<b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]	X		This activity does not rise to the level of "substantial rehabilitation" or any of the other applicable activities. Due to the location of the Lawrence Municipal airport, there are no housing units located within the civil airport runway clear zone. See Appendix 2 documented from <a href="http://www.lawrenceks.org/airport/">http://www.lawrenceks.org/airport/</a>

<b>3. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c) & (d)]	X	No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Manag't ( <a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a> )
<b>4. Contamination and Toxic Substances</b> [24 CFR 58.5(i)(2)]	X	<p>Site will have a Phase 1 environmental site Assessment completed. Report will be evaluated and all necessary remediation will be included in the scope of work for rehabilitation activities.</p> <p>A lead based paint inspection and risk assessment will be completed on the building. Interim controls will be required if hazards are found and Clearance will be required.</p> <p>Radon testing will be conducted in living areas of both first floor units. When radon levels reach 4 picocuries/liter or higher, remediation will be included in the scope of work specifications.</p>
<b>5. Endangered Species</b> [50 CFR 402]	X	<p>This activity does not rise to the level of "major rehabilitation" or any of the other applicable activities. These projects are Not likely to affect, or won't affect, any Federally listed endangered or threatened species or habitat</p> <p>Current Species listed for Douglas Co. KS are:</p> <p>one fish, the Pallid Sturgeon,</p> <p>and two plants, the Meade's milkweed and Western prairie fringed Orchid. This information found at:</p> <p><a href="http://ecos.fws.gov/tess_public/servlet">http://ecos.fws.gov/tess_public/servlet</a></p>
<b>6. Environmental Justice</b> [Executive Order 12898]	X	<p>This project currently exists and will continue to be operated as it always has. No existing tenants will be displaced. Six small housing units will not have an adverse health or environmental effect which disproportionately impacts a minority or low-income population relative to the community at large and all the Environmental Justice (EJ) issues were considered while evaluating other aspects of this Environmental Review.</p>
<b>7. Explosive and Flammable Operations</b> [24 CFR 51C]	X	<p>This activity is not "rehabilitation, where unit density is increased", "conversion of land use from non-residential to residential", "new construction", a "vacant building made habitable", or "a project for industrial, commercial, institutional, or recreational use where people may congregate or be present."</p>
<b>8. Farmland Protection</b> [7 CFR 658]	X	<p>This activity is not an applicable activity and is exempt by definition. "Urban land" is exempt if the land is already in or committed to urban development per 7 CFR 685.2(a).</p>
<b>9. Floodplain Management</b> [24 CFR 55, Executive Order 11988]	X	<p>The site is not located within a Special Flood Hazard Area. Firm Plate Number <u>20045C0178D</u> and FIRM map is attached</p>
<b>10. Historic Preservation</b> [36 CFR 800]	X	<p>This site is within an Area of Potential effect of the <u>Edward House @ 1646 Massachusetts St and Eugene F. Goodrich House @ 1711 Massachusetts St</u>. The Lawrence Douglas County Planning Department has been consulted and their letter is attached. The Kansas Historic Society has been consulted regarding this project and their letter is attached. The Tribal consultation checklist "When to consult with Tribes under Section 106", was completed and this department determined that none of the activities listed would apply to this site.</p>

<b>11. Noise Control</b> [24 CFR 51B]	X	This is an <u>Acquisition of residential property</u> activity. When rehabilitation occurs <u>attenuation is encouraged</u> .  The site is not within the threshold distances of "within" 1000' of a major roadway and 3,000' of a Railroad. The Lawrence airport is small and limits aircraft to small jets or propeller craft, so airport noise levels are not an issue. See attached distance map.
<b>12. Water Quality (Sole Source Aquifers)</b> [40 CFR 149]	X	This activity is not an applicable activity of acquisition of undeveloped land, change of land use or new construction, and there are no designated Sole Source Aquifers in Region VII.  <a href="http://www.epa.gov/ogwdw/swp/sumssa.html">http://www.epa.gov/ogwdw/swp/sumssa.html</a>
<b>13. Wetland Protection</b> [24 CFR 55, Executive Order 11990]	X	This activity is not an applicable activity of acquisition of undeveloped land, change of land use, new construction or expansion of bldg. footprint. This activity is not applicable to the Executive Order. This activity as described will have no potential to affect and will not have an adverse impact to wetlands.
<b>14. Wild and Scenic Rivers</b> [36 CFR 297]	X	There are no Wild and Scenic Rivers in Kansas. The Kansas River is listed on the National River Inventory. This activity is not a "Water Resource Project".

**DETERMINATION:**

- Box "A" has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any compliance measure (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down**; OR
- Box "B" has been checked for one or more authority.** The project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§ 58.70 & 58.71 **before committing funds**; OR
- The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

**Part 58.6 Requirements** [24 CFR §58.6]

Complete the following table for all projects.

§58.6 Requirements	Status (Y/N)	Source Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	YES	Project is not located in a Special Flood Hazard Area. Project file will document the FEMA-Map number and a copy of the Firmette with location marked, will document the file <i>see 9 + last page</i>
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	YES	No Coastal Barrier Resource Areas in MO/KS/NE/IA. <a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a>  <i>See 3</i>

Airport Runway Clear Zone Disclosure & Notification [§58.6(d)]	YES	This site is not located near or within a runway clear zone. See attached. <i>see 2</i>
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**PREPARER:**

SIGNATURE: Tony Hoch DATE: 3/11/2015

PREPARER NAME & TITLE: TONY L HOCH – SR. PROJECTS SPECIALIST

**RESPONSIBLE ENTITY APPROVING OFFICIAL:**

SIGNATURE:  DATE: 5/12/15

APPROVING OFFICIAL NAME & TITLE: Jeremy Farmer- Mayor

**Compliance and Mitigation Requirements:**

1. Air Quality
  - 1.1. Asbestos abatement;
    - 1.1.1. Asbestos screen revealed that ACM >1% was found in the floor tiles and drywall mud.
  - 1.2. Work write up has included the removal and replacement of loose floor tiles. Confirmed and suspect asbestos-containing materials should be properly removed by qualified asbestos abatement professionals or managed in-place in good condition under an Asbestos Operations & Maintenance Program. Project file will be documented with compliance report.
  
4. Contamination and Toxic Substances; Phase I environmental assessment
  - 4.1.
    - 4.1.1.
  - 4.2. Lead Based Paint
    - 4.2.1. Inspection found lead based surface coating in bathroom wall tiles, interior window casings in laundry & mechanical rooms and on exterior door casings and metal front porch railings. Bathroom tiles were not identified as a hazard.
    - 4.2.2. Paint hazards are addressed in work write-up as repair loose and peeling paint. Lead-based paint and lead hazards will be properly addressed, either through removal by qualified lead abatement professionals, or by using Interim Controls and managing remaining lead-based paint in place under a Lead Operations & Maintenance Program. Project file will be documented with compliance report
  
  - 4.3. Radon
    - 4.3.1. Results of testing were well below the action level of 4.0. No further mitigation is required. See attached testing report.