



**U.S. Department of Housing and Urban
Development**
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: 2020-CDBG-Street-Restoration

HEROS Number: 900000010189316

Responsible Entity (RE): LAWRENCE, PO Box 708 Lawrence KS, 66044

State / Local Identifier:

RE Preparer: Brad Karr

Certifying Officer: Bradley R Finkeldei

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 1718 Atherton Ct, Lawrence, KS 66044

Additional Location Information:

Project locations are Elmwood Street from E 21st Terrace to E 22nd Street, E 17th Street from Harper Street to Matthew Terrace, Irving Drive from E 17th Street to Atherton Court, and E 21st Terrace from Harper Street to Maple Lane.

Direct Comments to:

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

The project consists of a mill and overlay restoration of existing residential streets in low- and moderate-income neighborhood areas. Also included would be the installation or replacement of sidewalks, access ramps, curbs, and gutters, as required. The project does not include property acquisition or ground

disturbance of undeveloped areas. Project locations are Elmwood Street from E 21st Terrace to E 22nd Street, E 17th Street from Harper Street to Matthew Terrace, Irving Drive from E 17th Street to Atherton Court, and E 21st Terrace from Harper Street to Maple Lane. 6,245 SY of Milling, 880 TON of Asphalt Overlay, 80 TON of Asphalt Leveling, 130 TON of Asphalt Patching, 300 SY of Concrete Patching, 135 SY of 6" Concrete, 430 SY of 8" Concrete, 1,880 LF of 24" Curb and Gutter, 155 SY of 4" Concrete Sidewalk, 58 SY of Concrete Access Ramps.

Maps, photographs, and other documentation of project location and description:
[2021 CDBG Street Restoration Project Map.pdf](#)

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:

58.34(a)(12)

58.35(a)(1)

Determination:

✓	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Approval Documents:

[Signed Signature Page.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
B-20MC-20-0005	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Estimated Total HUD Funded, Assisted or Insured Amount: \$335,000.00

Estimated Total Project Cost: \$335,000.00

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 sites are not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. An attached map indicates that the nearest project site is 23,324' from the civilian Lawrence Municipal Airport and map of the locations of the Runway Protection Zones is also attached. The project is in compliance with Airport Hazards requirements.
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	According to a review of the U.S. Fish and Wildlife Service Coastal Barrier Resources System Mapper, the project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Attached is a map showing the location of CBRS units in the United States and a list of the states that contain CBRS units.
Flood Insurance 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	Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from

		<p>flood insurance. 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 attached FIRMette 20045C0179E effective 9/2/2015.</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>Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The scope of work for the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units. The project is in compliance with the Clean Air Act. According to the U.S. EPA Green Book and NEPAassist, the project site is not located within a nonattainment or maintenance area for any National Ambient Air Quality Standard (NAAQS) criteria air pollutants. The project is in compliance with the Clean Air Act. Attached is a map of the City of Lawrence showing no nonattainment or maintenance areas. Also attached is the EPA Kansas Nonattainment/Maintenance Status for Each County for All Criteria Pollutants (as of March 31, 2021), indicating that Douglas County, KS is not on the list.</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>The project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Program. Attached is the NOAA Office for Coastal Management list of states that participate in the Coastal Zone Management Program; Kansas is not listed.</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>There are no Superfund (NPL), Brownfields (ACRES), Toxic Substances Control Act (TSCA), CERCLIS, CERCLIS NFRAP, RCRA non-CORRACTS TSD Facilities, Federal Institutional Control/Engineering Control Registry, or Emergency Response Notification System (ERNS) sites within one mile of the project sites. There is one RCRA CORRACTS Facility within one mile of the project sites, the former Farmland Industries nitrogen plant. The ECHO report for the facility is attached and indicates no violations identified in the last 12 quarters. Three Toxic Release Inventory (TRI) sites are within one mile of the project sites. The ECHO reports for the TRI sites are attached and indicate no violations identified in the last 12 quarters. There is one RCRA Generator located near a project site, at the Douglas County Fairgrounds. The ECHO report for the Douglas County Fairgrounds indicates no violations identified in the last 12 quarters. There are ten identified Leaking Underground Storage Tank (LUST) sites within .5 miles of the project sites. Nine of the sites are listed as Closed; one site is activelymonitored. There are three Kansas Identified S ites List (ISL) within .5 miles of the project sites; all three are listed as Resolved with KDHE. There are no identified city dumps or solid waste landfills within .5 miles of the project sites. There are no registered storage tanks on or adjoining the project sites.Attached are NEPAssist Reports, NETRonline Environmental Radius Reports, and ECHO Facilities Reports for identified sites. GIS aerial maps were examined from 1976, 1986, 1995, 2000, 2003, 2006, 2009, 2013, 2016, 2018, and 2020. The project site located around the intersection of Elmwood Street and E 21st Terrace is shown as</p>
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		<p>residential streets beginning with the 1986 attached aerial. The project site located around the intersection of E 17th Street and Irving Drive is shown as residential streets beginning in the 2000 attached aerial. 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.</p>
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in compliance with the Endangered Species Act without mitigation. Map - FEMA Firmette 20045CO179E eff. 9/02/2015 Map - FEMA Firmette 20045CO178E eff. 9/02/2015 Map - project locations by census tract and block group Consultation - US Department of the Interior Fish and Wildlife Service (5.6.21) Consultation code: 06E21000-2021-TA-0900 Event code: 06E21000-2021-E-01992 Consultation - Kansas Fish and Wildlife Service 2021-CPA-0367</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project does not include any development, construction, rehabilitation that will increase residential densities, or conversion. 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.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>According to NEPAssist, the subject property is located in an urbanized area, and, based on the project description, the project does not include new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-</p>

		agricultural use. Attached is a NEPAssist map showing the urbanized areas in Lawrence, KS. The project is in compliance with the Farmlands Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project sites are not located in a floodplain. The project is in compliance with Executive Order 11988. Attached are FEMA FIRMETTES 20045C0179E effective 9/2/2015 indicating the project sites are not located in a floodplain.
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 the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the requirements of Section 106. The project is in compliance with Section 106. Exempt under I (B)(1)(a) "Streets, driveways, alleys, and parking areas. Repair of existing concrete or asphalt surfaces and parking areas as long as they are not expanded" PA attached to this item in the uploaded Historic Preservation Packet.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project involves the mill and overlay restoration of existing residential streets, curbs, and gutters. Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The State of Kansas currently has no designated Sole Source Aquifers according to EPA, Region 7 Drinking Water/Ground Water Branch, and the EPA.gov webpage map for Sole Source Aquifers. The project is in compliance with Sole Source Aquifer requirements. Attached are maps indicating there are no Sole Source Aquifers located in the jurisdiction or state.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<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 this

		<p>section. The project is in compliance with Executive Order 11990. Attached are U.S. Fish and Wildlife Service National Wetlands Inventory maps of the project sites. The freshwater pond shown on the E 17th Street and Irving Drive map does not exist today; the current residential street and surrounding residential neighborhood was built in 1999.</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>According to the National Wild and Scenic Rivers System, Kansas has no designated wild and scenic rivers. There are no current active studies of any river in Kansas. A segment of the Kansas River is listed on the Nationwide Rivers Inventory, but is not within proximity to the project site. The project site is located .91 miles from the Kansas River. The project is in compliance with the Wild and Scenic Rivers Act. Attached is information from the National Wild and Scenic Rivers System and a map of the project site showing the proximity to the Kansas River.</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. EJScreen reports and 2014-2018 ACS reports are attached for the project locations.</p>

Mitigation Measures and Conditions [40 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	Complete
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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 sites are not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. An attached map indicates that the nearest project site is 23,324' from the civilian Lawrence Municipal Airport and map of the locations of the Runway Protection Zones is also attached. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[Airport Hazards Worksheet packet.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)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Screen Summary

Compliance Determination

According to a review of the U.S. Fish and Wildlife Service Coastal Barrier Resources System Mapper, the project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Attached is a map showing the location of CBRS units in the United States and a list of the states that contain CBRS units.

Supporting documentation

[Coastal Barrier Resources Worksheet Packet.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.

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 does not require flood insurance or is excepted from flood insurance. 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 attached FIRMette 20045C0179E effective 9/2/2015.

Supporting documentation

[Flood Insurance Worksheet packet.pdf](#)

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 scope of work for the project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units. The project is in compliance with the Clean Air Act. According to the U.S. EPA Green Book and NEPAassist, the project site is not located within a nonattainment or maintenance area for any National Ambient Air Quality Standard (NAAQS) criteria air pollutants. The project is in compliance with the Clean Air Act. Attached is a map of the City of Lawrence showing no nonattainment or maintenance areas. Also attached is the EPA Kansas Nonattainment/Maintenance Status for Each County for All Criteria Pollutants (as of March 31, 2021), indicating that Douglas County, KS is not on the list.

Supporting documentation

[Air Quality Worksheet packet.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

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

The project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Program. Attached is the NOAA Office for Coastal Management list of states that participate in the Coastal Zone Management Program; Kansas is not listed.

Supporting documentation

[Coastal Zone Management Worksheet Packet.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:

There are no Superfund (NPL), Brownfields (ACRES), Toxic Substances Control Act (TSCA), CERCLIS, CERCLIS NFRAP, RCRA non-CORRACTS TSD Facilities, Federal Institutional Control/Engineering Control Registry, or Emergency Response Notification System (ERNS) sites within one mile of the project sites. There is one RCRA CORRACTS Facility within one mile of the project sites, the former Farmland Industries nitrogen plant. The ECHO report for the facility is attached and indicates no violations identified in the last 12 quarters. Three Toxic Release Inventory (TRI) sites are within one mile of the project sites. The ECHO reports for the TRI sites are attached and indicate no violations identified in the last 12 quarters. There is one RCRA Generator located near a project site, at the Douglas County Fairgrounds. The ECHO report for the Douglas County Fairgrounds indicates no violations identified in the last 12 quarters. There are ten identified Leaking Underground Storage Tank (LUST) sites within .5 miles of the project sites. Nine of the sites are listed as Closed; one site is actively monitored. There are three Kansas Identified Sites List (ISL) within .5

miles of the project sites; all three are listed as Resolved with KDHE. There are no identified city dumps or solid waste landfills within .5 miles of the project sites. There are no registered storage tanks on or adjoining the project sites. Attached are NEPA Assist Reports, NETRonline Environmental Radius Reports, and ECHO Facilities Reports for identified sites. GIS aerial maps were examined from 1976, 1986, 1995, 2000, 2003, 2006, 2009, 2013, 2016, 2018, and 2020. The project site located around the intersection of Elmwood Street and E 21st Terrace is shown as residential streets beginning with the 1986 attached aerial. The project site located around the intersection of E 17th Street and Irving Drive is shown as residential streets beginning in the 2000 attached aerial.

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

Yes

Screen Summary

Compliance Determination

There are no Superfund (NPL), Brownfields (ACRES), Toxic Substances Control Act (TSCA), CERCLIS, CERCLIS NFRAP, RCRA non-CORRACTS TSD Facilities, Federal Institutional Control/Engineering Control Registry, or Emergency Response Notification System (ERNS) sites within one mile of the project sites. There is one RCRA CORRACTS Facility within one mile of the project sites, the former Farmland Industries nitrogen plant. The ECHO report for the facility is attached and indicates no violations identified in the last 12 quarters. Three Toxic Release Inventory (TRI) sites are within one mile of the project sites. The ECHO reports for the TRI sites are attached and indicate no violations identified in the last 12 quarters. There is one RCRA Generator located near a project site, at the Douglas County Fairgrounds. The ECHO report for the Douglas County Fairgrounds indicates no violations identified in the last 12 quarters. There are ten identified Leaking Underground Storage Tank (LUST) sites within .5 miles of the project sites. Nine of the sites are listed as Closed; one site is actively monitored. There are three Kansas Identified Sites List (ISL) within .5 miles of the project sites; all three are listed as Resolved with KDHE. There are no identified city dumps or solid waste landfills within .5 miles of the project sites. There are no registered storage tanks on or adjoining the project sites. Attached are NEPA Assist Reports, NETRonline Environmental Radius Reports, and ECHO Facilities Reports for identified sites. GIS aerial maps were examined from 1976, 1986, 1995, 2000, 2003, 2006, 2009, 2013, 2016, 2018, and 2020. The project site located around the intersection of Elmwood Street and E 21st Terrace is shown as residential streets beginning with the 1986 attached aerial. The project site located around the intersection of E 17th Street and Irving Drive is shown as residential streets beginning in the 2000 attached aerial. 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.

Supporting documentation

[Site Contamination Worksheet packet.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

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

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

- ✓ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

4. Informal Consultation is required

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?

- ✓ Yes, the Service(s) concurred with the finding.

Based on the response, the review is in compliance with this section. Document and upload the following below:

- (1) A biological evaluation or equivalent document
- (2) Concurrence(s) from FWS and/or NMFS
- (3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

No, the Service(s) did not concur with the finding.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

Mitigation is not necessary because it is not impeding protected habitat.

Screen Summary

Compliance Determination

This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in compliance with the Endangered Species Act without mitigation. Map - FEMA Firmette 20045CO179E eff. 9/02/2015 Map - FEMA Firmette 20045CO178E eff. 9/02/2015 Map - project locations by census tract and block group Consultation - US Department of the Interior Fish and Wildlife Service (5.6.21) Consultation code: 06E21000-2021-TA-0900 Event code: 06E21000-2021-E-01992 Consultation - Kansas Fish and Wildlife Service 2021-CPA-0367

Supporting documentation

[Endangered Species Act Complete Packet.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

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

Yes

Screen Summary

Compliance Determination

The project does not include any development, construction, rehabilitation that will increase residential densities, or conversion. 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

[Explosive and Flammable Facilities Worksheet packet.pdf](#)

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:

According to NEPAAssist, the subject property is located in an urbanized area, and, based on the project description, the project does not include new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use.

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

According to NEPAAssist, the subject property is located in an urbanized area, and, based on the project description, the project does not include new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use. Attached is a NEPAAssist map showing the urbanized areas in Lawrence, KS. The project is in compliance with the Farmlands Protection Policy Act.

Supporting documentation

[Farmlands Protection Worksheet packet.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:

[Elmwood St and E 21st Terrace FIRMETTE 20045C0179E effective 2015-09-02.pdf](#)
[E 17th St and Irving Drive FIRMETTE 20045C0179E effective 2015-09-02.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 sites are not located in a floodplain. The project is in compliance with Executive Order 11988. Attached are FEMA FIRMETTES 20045C0179E effective 9/2/2015 indicating the project sites are not located in a floodplain.

Supporting documentation

[Floodplain Management Worksheet packet.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).

Threshold (a). Either upload the PA below or provide a link to it here:

Upload exemption(s) below or copy and paste all applicable text here:

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

Screen Summary

Compliance Determination

Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the requirements of Section 106. The project is in compliance with Section 106. Exempt under I (B)(1)(a) "Streets, driveways, alleys, and parking areas. Repair of existing concrete or asphalt surfaces and parking

areas as long as they are not expanded" PA attached to this item in the uploaded Historic Preservation Packet.

Supporting documentation

[Historic Preservation Packet.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

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

Screen Summary

Compliance Determination

This project involves the mill and overlay restoration of existing residential streets, curbs, and gutters. Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

Supporting documentation

[Noise Abatement and Control CEST Worksheet packet.pdf](#)

Are formal compliance steps or mitigation required?

2020-CDBG-Street-
Restoration

Lawrence, KS

900000010189316

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

3. Does your region have a memorandum of understanding (MOU) or other working agreement with Environmental Protection Agency (EPA) for HUD projects impacting a sole source aquifer?

Yes

No

Screen Summary

Compliance Determination

The State of Kansas currently has no designated Sole Source Aquifers according to EPA, Region 7 Drinking Water/Ground Water Branch, and the EPA.gov webpage map for Sole Source Aquifers. The project is in compliance with Sole Source Aquifer requirements. Attached are maps indicating there are no Sole Source Aquifers located in the jurisdiction or state.

Supporting documentation

[Sole Source Aquifers Worksheet Packet.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. Attached are U.S. Fish and Wildlife Service National Wetlands Inventory maps of the project sites. The freshwater pond shown on the E 17th Street and Irving Drive map does not exist today; the current residential street and surrounding residential neighborhood was built in 1999.

Supporting documentation

[Wetlands Protection Worksheet packet.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

According to the National Wild and Scenic Rivers System, Kansas has no designated wild and scenic rivers. There are no current active studies of any river in Kansas. A segment of the Kansas River is listed on the Nationwide Rivers Inventory, but is not within proximity to the project site. The project site is located .91 miles from the Kansas River. The project is in compliance with the Wild and Scenic Rivers Act. Attached is information from the National Wild and Scenic Rivers System and a map of the project site showing the proximity to the Kansas River.

Supporting documentation

[Wild and Scenic Rivers Worksheet packet.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. EJSscreen reports and 2014-2018 ACS reports are attached for the project locations.

Supporting documentation

[Environmental Justice packet.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No