

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

**Project Information**

**Project Name:** FY2021-CDBG-Playa-Drain-Walking-Trail-Improvements-79915

**HEROS Number:** 900000010153217

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

**RE Preparer:** Jo Ann Vera

**State / Local Identifier:**

**Certifying Officer:** Elda Rodriguez-Hefner

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** Knights Dr. to Yarbrough Dr., El Paso, TX 79915

**Additional Location Information:**

Playa Drain between Knights Dr. to Yarbrough Dr. approximate 4,000 linear feet (.75 miles) segment

**Direct Comments to:**

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

46th Year FY2020-2021 Community Development Block Grant (CDBG) PUBLIC FACILITIES - Large-Scale Project: Playa Drain Walking Trail Improvements from Knights Dr. to Yarbrough Dr. - Playa Drain between Knights Dr. to Yarbrough Dr.- project will include construction of an urban trail (paved surface) with landscaping for an approximate 4,000 linear feet (.75 miles) segment of the Playa Drain Trail. Scope includes paved surface trail/header curbs; post and cable fence; irrigation system; landscape; monument columns; benches; picnic tables; drinking fountain; traffic safety striping; and traffic access control (bollards).

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

Proposed project is to construct an urban trail approximately 4,000 linear feet (.75 miles) in length along the easement adjacent to an earthen drainage channel known as Playa Drain. The on-street limits of this project are from Knights Dr to Yarbrough Dr. This project covers an important segment of El Paso's Playa Drain Trail which currently features 4.75 miles of constructed trails. The proposed project fills a critical gap that will assist in providing a continuous trail. This proposed project limits will abut an existing trail which continues east of Yarbrough east. Project limits from the proposed and existing will converge at Yarbrough. Design for the Playa Drain Trail segment for this proposed project is underway and currently at 60%. The cost for the design, preliminary engineering, and construction document will be used as the match contribution from a non-CD BG source for this project.

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

The neighborhood surrounding the proposed project is a mix of an established residential (single family) area that has transitioned over the decades from ranch and agricultural land to an urban neighborhood. The logical boundaries affecting access include two (2) major anchor streets defining the project boundaries Knights Dr. and Yarbrough Dr. The proposed project will be an urban trail accessible by foot or bicycle from nearby residential areas. Automobile users can access the proposed project from parks which have existing parking facilities.

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

[Playa Drain Walking Trail Mapping.pdf](#)  
[Knights Dr to Yarbrough Dr Google Maps.pdf](#)  
[Project Scope of Work and Cost Estimate.docx](#)  
[Playa Drain Improvements Budget Cost Estimate.pdf](#)  
[Photos Playa Drain Walking Trail.pdf](#)  
[FIELD CONTAMINATION CHECKLIST.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
B-20-MC-480015	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$1,223,966.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$1,223,966.00

**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	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 Attachment 3: FIRM 480214, PANEL 0044C, DATE 02/16/2006, ZONE AE.
<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.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. 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. Field Contamination Checklist and photos located at Inspector Information section of ERR. See Attachment 6 NEPAAssist resource materials for Toxics / Contaminates within 1 mile of project location. Water Dischargers: Thomas Manor Park ECHO Report attached with "No Violations Indicated". Hazardous Waste: Chevron USA EPA Report attached with "No Record Data Available". 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 because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. Photos located at Inspector Information section of ERR. The project scope of work will have no effect due to nature of project activities.
<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 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 is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with

		Executive Order 11988. See Attachment 10: FIRM: 480214, PANEL: 0044C, DATE: 02/16/2006, ZONE: AE and 8-Step Process.
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>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: Above-Ground Resources *No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. Archeology Comments *No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THC's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.</p>
<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>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. See Attachment 12A, 12B and 12C NEPAassist and COE GIS System resource materials for Noise Attenuation. No significant non-</p>

		compliance issues and will not impact nor conflict with project scope of work.
<b>Sole Source Aquifers</b> 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 project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The City of El Paso does not contain any EPA-designated sole source aquifers. See Attachment 13.
<b>Wetlands Protection</b> 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 section. The project is in compliance with Executive Order 11990. Property is not located within a designated Wetlands. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**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.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Proposed project consist of construction of an urban trail (paved surface) with landscaping for an approximate 4,000 ft. (.75 mile) segment.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	1	Construction site will take place within ROW of drainage easement characterized by relatively flat terrain thus limited demolition will be required.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Based on a review of NEPAassist resource materials: subject property is located outside the Airport Noise Contour; 3,757 ft. railroad crossings and not within 1,000 ft. of a direct major roadway.	
Energy Consumption/Energy Efficiency	2	Not Applicable.	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	Not Applicable.	
Demographic Character Changes / Displacement	2	The property is zoned "R-F" (Ranch and Farm) and R-3, R-4, and R-5 (Residential): The purpose of R-F (Ranch and Farm) district is to provide for primarily fallow or agricultural areas within the city and to protect and conserve these areas within and adjacent to urban development. No demographic character changes or displacement are anticipated with the proposed project.	
<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.	



<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
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)	1	The proposed project fills a critical gap that will assist in providing a continuous trail. This proposed project limits will abut an existing trail which continues east of Yarbrough east.	
Transportation and Accessibility (Access and Capacity)	2	This typical El Paso Central/ Mission Valley neighborhood area includes local park, schools, church, bus stops a few scattered small retail establishments (convenience stores) near Knights Dr while Yarbrough Dr. , a major north /south street, features services, multi-family residential areas and institutional establishments.	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	This project is a continuation of unique walking trail that will encompass the areas natural scenic features.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	1	Landscape design will include battery operated controls and drip irrigation to promote energy and water conservation. Once native, low water-use trees are established (2-3 years) controlled irrigation would be reduced.	
Other Factors			

**Supporting documentation**

[Places along the Playa Drain Walking Trail.pdf](#)

[Project Scope of Work and Cost Estimate\(1\).docx](#)  
[Playa Drain Walking Trail Flood Map.pdf](#)  
[Playa Drain Walking Trail Zoning Letter.pdf](#)  
[Playa Drain Imp Planning Photos.pdf](#)

**Additional Studies Performed:**

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

by:

Cesar Grado

8/12/2020 12:00:00 AM

[Project Scope of Work and Cost Estimate.docx](#)  
[Playa Drain Improvements Budget Cost Estimate.pdf](#)  
[Photos Playa Drain Walking Trail.pdf](#)  
[FIELD CONTAMINATION CHECKLIST.pdf](#)

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

Fish and Wildlife website NEPA website FEMA website

**List of Permits Obtained:**

zoning verification request dated November 19, 2019

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

City Rep. Henry Rivera, District 7 Playa Drain Trail Community Meeting Thomas Manor  
E.S. Cafeteria- 7900 jersey St El Paso, TX 79915 Tuesday, November 12, 2019 @ 6 PM

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

No detrimental impact have been identified to result from construction of walking  
trail.

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

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

**Summary of Findings and Conclusions:**

The primary objectives of the proposed project is to provide new pedestrian and bicycle access to neighborhoods.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
Floodplain Management	Project will include construction of an urban trail with landscaping to blend with the area natural scape.	N/A	
Permits, reviews and approvals	zoning verification request dated November 19, 2019	N/A	

**Mitigation Plan**

Project area is on the surface area easement above the drain.

**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 Haz Playa Drain Improvements.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.

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 Attachment 3: FIRM 480214, PANEL 0044C, DATE 02/16/2006, ZONE AE.

#### Supporting documentation

[Attachment 3 Flood Ins Playa Drain Improvements.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 project is in compliance with the Clean Air Act.

#### **Supporting documentation**

#### **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: None of the above. 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. Field Contamination Checklist and photos located at Inspector Information section of ERR. See Attachment 6 NEPAassist resource materials for Toxics / Contaminates within 1 mile of project location. Water Dischargers: Thomas Manor Park ECHO Report attached with "No Violations Indicated". Hazardous Waste: Chevron USA EPA Report attached with "No Record Data Available". No significant non-compliance issues and will not impact nor conflict with project scope of work.

**Supporting documentation**

[RCRAInfo Search Results Envirofacts Chevron USA.pdf](#)  
[Detailed Facility Report ECHO Thomas Manor Park.pdf](#)  
[Attachment 6 Toxics Playa Drain Improvements.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

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

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

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

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

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

**Screen Summary**

**Compliance Determination**

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act. Photos located at Inspector Information section of ERR. The project scope of work will have no effect due to nature of project activities.

**Supporting documentation**

[Species List Austin Ecological Services Field Office.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

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 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 Ins Playa Drain Improvements\(1\).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

Yes

Select the applicable floodplain using the FEMA map or the best available



information:

Floodway

Coastal High Hazard Area (V Zone)

✓ 100-year floodplain (A Zone)

500-year floodplain (B Zone or shaded X Zone)

### **8-Step Process**

**Does the 8-Step Process apply? Select one of the following options:**

✓ **8-Step Process applies**

Document and upload the completed 8-Step Process below. Be sure to include the early public notice and the final notice.

**5-Step Process** is applicable per 55.12(a)(1-4). Provide documentation of 5-Step Process.

**8-Step Process** is inapplicable per 55.12(b)(1-5).

### **Mitigation**

**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.**

Project will include construction of an urban trail with landscaping to blend with the area natural scape.

**Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.**

Permeable surfaces

- ✓ Natural landscape enhancements that maintain or restore natural hydrology
- Planting or restoring native plant species

Bioswales

Evapotranspiration

Stormwater capture and reuse

Green or vegetative roofs with drainage provisions

Natural Resources Conservation Service conservation easements or similar easements

Floodproofing of structures

Elevating structures including freeboarding above the required base flood elevations

Other

### **Screen Summary**

#### **Compliance Determination**

This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988. See Attachment 10: FIRM: 480214, PANEL: 0044C, DATE: 02/16/2006, ZONE: AE and 8-Step Process.

#### **Supporting documentation**

[Final Notice Playa Drain Walking Trail Improvements.pdf](#)

[Early Notice Playa Drain Walking Trail Improvements.pdf](#)

[Attachment 10 Floodplain Playa Drain Improvements.pdf](#)

[8 Step Process Playa Drain Walking Trail Improv.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

FY2021-CDBG-Playa-Drain-  
Walking-Trail-  
Improvements-79915

El Paso, TX

900000010153217

✓ 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) Completed
- ✓ Advisory Council on Historic Preservation Not Required
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

✓ Apache Tribe of Oklahoma	Response Period Elapsed
✓ Comanche Nation of Oklahoma	Response Period Elapsed
✓ Fort Sill Apache Tribe	Response Period Elapsed
✓ Mescalero Apache Tribe	Response Period Elapsed
✓ Tonkawa Tribe	Response Period Elapsed
✓ White Mountain Apache Tribe	Completed
✓ Wichita and Affiliated Tribes	Response Period Elapsed
✓ 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,

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

**Step 2 – Identify and Evaluate Historic Properties**

- 1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

**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: Above-Ground Resources \*No

historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THCA's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties. Archeology Comments \*No identified historic properties, archeological sites, or other cultural resources are present or affected. However, if cultural materials are encountered during project activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THCA's Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.

**Supporting documentation**

[RE CDBG EN Public Facilities Project Playa Improvements YDS.msg](#)  
[THPO Consultation Letter White Mountainian.pdf](#)  
[HUD Tribal Directory Assessment Information.pdf](#)  
[Project Review 202017245.msg](#)  
[Attachment 11 Historic Playa Drain Improvements.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**

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. See Attachment 12A, 12B and 12C NEPAAssist and COE GIS System resource materials for Noise Attenuation. No significant non-compliance issues and will not impact nor conflict with project scope of work.

#### **Supporting documentation**

[Attachment 12C Roadways Playa Drain Improvements.pdf](#)



[Attachment 12B Railroads Playa Drain Improvements.pub](#)  
[Attachment 12A Airport Noise Contour.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

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The City of El Paso does not contain any EPA-designated sole source aquifers. See Attachment 13.

**Supporting documentation**

[Attachment 13 Aquifers.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

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. Property is not located within a designated Wetlands. Compliance with EO11990, Wetlands Protection Act. See Attachment 14.

#### **Supporting documentation**

[Attachment 14 Wetlands Playa Drain Improvements.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