

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

Project Information

Project Name: Newport-at-Amphi-LIHTC

HEROS Number: 900000010094888

Responsible Entity (RE): TUCSON, PO Box 27210 Tucson AZ, 85726

RE Preparer: Glenn Fournie

State / Local Identifier:

Certifying Officer: Liz Morales

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 3601 N Stone Ave, Tucson, AZ 85705

Additional Location Information:

The address above is representative of the parcel. PASTIME ACRES RESUB E2 LOT 14D EXC SPNDRL, PASTIME ACRES RESUB LOT 14-C & S45' LOT 14-B, PASTIME ACRES RESUB W2 LOT 14-D. Pima County Assessor's Parcel ID Numbers: 10602286A, 106022850, 106022840

Direct Comments to: Glenn.Fournie@Tucsonaz.gov or
City of Tucson HCD 310 N. Commerce Park Loop Tucson AZ
85745

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

The Newport at Amphi project includes the acquisition of the site, demolition of 3 existing abandoned vacant structures, excavation, trenching and grading for the new construction of 2-three (3) story buildings with 40 affordable housing units on the 1.5 acre site. The site is located in the Amphi neighborhood on the northwest corner of N. Stone Avenue and W. Prince Road, Tucson Pima County AZ 85705. It will have 18 1-bedroom, 10 2-bedroom/2-bath, and 12 3-bedroom/2-bath units. Apartments will be affordable to households with incomes of 40% to 60% of area median income for the Tucson MSA. With the ten project based vouchers, no fewer than 8 units will be occupied by households with no more than 30% of AMI. The project is designed as workforce family housing, with no special-needs or supportive housing set-asides, so no specific supportive services will be offered. The project will be built to energy efficient standards. Green building technologies will include hard surface flooring, sealed registers and air ducts, thermal performance roof, high efficiency toilets and low-flow plumbing fixtures. The project will also be a smoke-free facility. Onsite parking spaces and bicycle parking will be available at all project sites. The project will also comply with fair housing and accessibility requirements.

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

This project supports the City of Tucson Consolidated Plan policies to develop supportive housing including: 1) New construction and/or rehabilitation of rental units for target populations; 2) Complexes serving special target populations; 3) The preservation of existing lower income housing and/or increasing the supply of lower income housing; and 4) Self-sufficiency in lower income households. This project also supports the strategy for helping people make the transition to permanent housing and independent living. The project serves the program purpose of increasing the supply of much needed affordable workforce and family housing in the City of Tucson. This project has received a reservation of Arizona Department of Housing Low Income Housing Tax Credits. The project will utilize 10 Project Based Vouchers from the City of Tucson Housing and Community Development Department. With the ten project based vouchers, no fewer than 8 units will be affordable by households with no more than 30% of AMI. The balance of the units will be affordable to households with incomes of 40% to 60% of area median income for the Tucson MSA. The project also supports the goals of Plan Tucson, the 2013 City of Tucson General & Sustainability Plan to provide housing, human services, public facilities, and economic development programs to address the housing needs of the most vulnerable populations.
<https://www.tucsonaz.gov/pdsd/plan>.

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

Prince Road and Stone Avenue are both arterials which give access from and to the project site. The three bus lines serving the site, as well as lines serving Oracle Road to the west. Three public schools (Prince Elementary, Amphi Middle, and Amphi High School), medical, shopping and retail are within walking distance. The Oracle Road commercial corridor is less than a half mile to the west. Vacant, unattractive and obsolete structures, including an existing quonset hut and the shell of the long-demolished TEP stub-station currently occupy the site. The site has been underutilized for years, yet is a good choice for housing or retail development in an area experiencing an upswing. The adjoining sites consisted of the following: North was a single-family residence addressed 3637 North Stone Avenue. South was Dairy Queen addressed 23 West Prince Road and PLS Check Cashing addressed 3563 North Stone Avenue. East, across North Stone Avenue, was vacant land and a construction equipment storage yard and administrative building addressed 3620 North Stone Avenue. West was the Prince Park RV & Manufactured Home Community.

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

[Newport Site visit 8-6-19.pdf](#)

[3601 N Stone Ave - Google Maps 7-15-19.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:

[Newport at Amphi signed 10-7-19.pdf](#)

[Liz approval email Re Emailing Glenn F 10.7.19.rtf](#)

[Designated signature Liz Morales 8-8-19.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

M-19-DC-04-0229	Community Planning and Development (CPD)	HOME Program
-----------------	--	--------------

Estimated Total HUD Funded, Assisted or Insured Amount: \$900,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$12,233,024.00

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 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.
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	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
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	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. FEMA flood zone X 4019C-1688 L 6/16/16. The project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality 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	The project's county or air quality management district is in non-attainment status for Carbon monoxide. This project does not exceed de minimis emissions levels or the screening level established by the state or air quality management district for the pollutant. ADEQ and Pima County Department of Environmental Quality sites have been reviewed and these agencies have no

		concerns about multi-family or small apartment complexes (under 100 units) development in existing residential areas changing or adversely impacting air quality control standards. This project has no more than 40 units. ADEQ has no active impact sites in Tucson. The project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After review of the Phase I ESAs by Western Technologies, Inc. dated 11/15/18, and updated 9/3/19, site visits by City of Tucson Housing and Community Development staff and review of known environmental registrations and maps, the determination is that the project site is 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. Asbestos and lead testing and abatement are required as part of the demolition permit process and will be performed prior to issuance of the demolition permit. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will have no effect on any federally protected (listed or proposed) Threatened or Endangered Species, nor adversely modify designated critical habitats. The site is a previously developed urban infill parcel in an urban neighborhood. The site does not have water features and only a few mesquite trees, and no visible sign of animal habitation. The U.S. Fish and Wildlife Services show no critical habitat areas in

		the Tucson Metropolitan area. The project is compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	After review of the Phase I Environmental Site Assessments by Western Technologies, Inc. dated 11/15/19 and updated 9/3/19, site visits by City of Tucson Housing and Community Development staff and review of known environmental registrations and maps, the determination is that the project site is not in the vicinity of any hazardous operation involving explosive or flammable fuels or chemicals. There are no current or planned stationary above ground storage containers of concern within 1 mile of the project sites. The project sites are in fully developed urban residential/mixed use neighborhoods. The project is in compliance with explosive and flammable hazard requirements.
Farmlands Protection 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	The sites do not meet the definition of farmland per 7 CFR Part 658.2 a (1) "Farmland" does not include land already in or committed to urban development or water storage. The site is in a fully developed urban environment per USDA Soils Survey Map printed 5/11/18. 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.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. FEMA flood zone X 4019C-1688 L 6/16/11. The project is in compliance with Executive Order 11988.
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	The determination memo that there are no historic properties affected per 36 CFR 800.4 from City of Tucson Historic Preservation Officer is dated 3/18/19, and in accordance with the programmatic agreement with the City

		of Tucson, SHPO and ACHP dated 1/25/2002. The Area of Potential Effect (APE) is defined as the project property boundaries. The project is in compliance with Section 106.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A Noise Assessment was conducted for the project site. Background noise levels at noise sensitive locations were found to be above DNL 70 and below DNL 75. A noise abatement plan to ensure sufficient sound insulation of the building envelop and playground area was developed. With the sound attenuation measures listed in the mitigation section and confirmed by the project architect, the interior noise level will meet or exceed the 45 dB interior noise requirements. The project is in compliance with HUD's Noise regulation with mitigation.
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 project is located on a sole source aquifer. The region has an MOU or other working agreement with EPA for HUD projects impacting a sole source aquifer, and the MOU or working agreement excludes the project from further review. The project will use municipal water and an existing sewer system. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project does not involve new construction within or adjacent to wet lands, marshes, wet meadows, mud flats or natural ponds. The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act 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.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice 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.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The site is consistent with local and regional planning efforts, and has received planning and zoning approval from the City of Tucson. The project site is zoned C-2, Commercial with residential permitted. The two 3 story buildings will conform to the the surrounding neighborhoods in terms of overall scale, density, size, and massing. Letter dated 2/19/19 of site plan and zoning approval by Steve Shields, Site Section Manager COT PDSD.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	No evidence of erosion, drainage/storm water runoff on site visit by HCD staff 8/6/19. Geotechnical Report by Terracon dated 9/5/19. Phase I ESA by Western Technologies dated 11/15/18 and updated 9-3-19.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	No evidence of onsite hazards or nuisances including soil contamination; proximity to high pressure pipe lines or other volatile and explosive products; high-voltage transmission lines; radio/TV transmission towers; excessive smoke, fumes, odors subsidence, ground water, inadequate surface drainage, flood, etc. Three vacant and obsolete structures including quonset hut and the shell of the long-demolished TEP substation are currently on site and will be demolished. Electric Power transformers on/near the site show no leaking or stains. The site has no vegetation or natural features. There are no poisonous plants or animals	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		on the site. No known natural hazards exist. The site has access to intersections with traffic lights and cross walks for residents to cross the street, street lighting, sidewalks, bike lanes and other safety features. Phase I environmental site assessment by Western Technologies dated 11/15/18 and updated 9-3-19. Site visit by HCD staff 8/6/19.	
Energy Consumption /Energy Efficiency	2	Minor increase in energy consumption by 40 new units of housing. Tucson Electric Power currently supplies electricity and will continue service. All utilities are currently on site and ready for construction. Buildings will be constructed with energy efficient and low water usage appliances.	
SOCIOECONOMIC			
Employment and Income Patterns	2	The target population for the project will be low income families with children. It is anticipated that no new permanent employees will be hired for this project. The Developer, anticipates hiring approximately 10-20 subcontractors during the construction phase of the project. The project will follow Section 3 and Davis Bacon in all of employment and construction/subcontracting activities.	
Demographic Character Changes / Displacement	2	Project area is a low income, mixed race (69% minority), mixed use area with approximately 80% of the housing units currently being used as rentals. The target population for the project will be low income workforce families with children. The new units are being constructed on vacant/uninhabited land so no displacements will occur. There is a conditional award of 10 Project Based Vouchers from the City of Tucson Housing and Community Development Department.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	The target population for the project is low income workforce families with children. Three public schools (Prince Elementary, Amphi Middle, and Amphi High School) are within walking distance. The site is also within 2 miles of other Tucson Unified School District K-12 schools, magnet high schools, and private charter schools and preschools. TUSD has an open enrollment policy, so any school in the district with spaces available is open for enrollment. http://www.tusd1.org/Information/Enrollment/OpenEnrollment/tabid/80260/Default.aspx . Also within 5 miles are a	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		number of colleges and adult education resources including Pima Community College, University of Arizona and other education programs. Educational and cultural enrichment opportunities are available at nearby community centers, libraries, recreation centers, theaters, museums, parks and a number of veteran organizations.	
Commercial Facilities (Access and Proximity)	2	Site is within 1 1/2 mile of major grocery stores, pharmacies, retail and service businesses, discount stores, medical providers and thrift stores. The project is on 3 major bus routes connecting to transit hubs and the Sunlink streetcar line. The site is within 1/2 mile of the Oracle Corridor with a concentration of businesses and retail.	
Health Care / Social Services (Access and Capacity)	2	The project site is within 6 miles of 4 major medical centers, including the Southern Arizona VA Health Care campus. The El Rio Health Northwest Center is less than 1/3 mile from the site. Numerous emergency facilities, clinics, and physician services are within an easy commute on public transit. Local non-profit social service and mental health providers including Las Familias Center, CODAC, COPE and La Frontera are within 1 mile.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The City of Tucson Environmental Services Department provides onsite waste disposal and recycling services. The City of Tucson provides extensive recycling options, including construction debris handling and recycling, landfills, green waste recycling and household hazardous waste disposal services. Letter from Carlos De La Torres dated 3/22/19.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Pima County Wastewater provides wastewater and sewer service to project. Utilities are in place on site and ready for construction. Letter from Kurt Stemm, Pima County Wastewater Management dated 2/6/19.	
Water Supply (Feasibility and Capacity)	2	City of Tucson Water Department already supplies water to project site. Utilities are in place on site and ready for construction. Letter from Michael Mourreale dated 2/7/19.	
Public Safety - Police, Fire and Emergency Medical	2	The site is approximately 4 miles from the Rincon Police Station. Response time varies depending on the type of call, but the average time for emergency response is 5 minutes or less. The project is within 1/2 mile of Tucson Fire Station 8. Average response time for TFD is 4 minutes. The project	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		site is within 6 miles of major medical centers with emergency medical care including Carondelet St. Joseph's Hospital, Banner UMC Medical Center, Diamond Children's Center, Southern Arizona VA Health Care Center, and numerous urgent care facilities. Letters from Chris Mangus, Police Chief dated 3/12/19 and Joe Gulotta Interim Fire Chief dated 3/11/19.	
Parks, Open Space and Recreation (Access and Capacity)	2	The project is within a 2 miles of 2 regional recreation centers, Jacobs Park and Rillito Regional Park that include sports fields, swimming pools, fitness programs, recreation classes, senior programs, basketball courts, tennis courts and open space. There are a number of small parks and open space areas within a reasonable walk of the project site.	
Transportation and Accessibility (Access and Capacity)	2	The site is on a major intersection that is served by three Sun Tran bus lines, #17, #19, and #34, with connection to major transit hubs, Greyhound Bus Line and the Sunlink streetcar line. The site is fully accessible by car and has adequate street access and is designed for 74 off street parking spaces. Letter from Davita Mueller, Suntran dated 1/4/19.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The site has no unique natural features or water resources.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	The site has no vegetation other than a few mesquite trees or show signs of animal habitat. Tree will be check for bird nests before removal or modification per ASGF memo. The site is a developed property in an urban neighborhood.	
Other Factors			

Supporting documentation

[19.096 AMPHI TOPO 9-3-19.pdf](#)

[Site Plans NEWPORT AT AMPHI 9-3-19.pdf](#)

[Newport at Amphi CensDemoMap 7-15-19\(1\).pdf](#)

[Newport at Amphi fire station - 7-22-19.pdf](#)
[Stone-Prince aerial map 2-18-19\(2\).pdf](#)
[Police Newport at Amphi 7-19-19.pdf](#)
[schools - Newport at Amphi 7-19-19.pdf](#)
[Plans - Newport at Amphi - 1-30-19.pdf](#)
[Newport at Amphi Zoning Cert. Form 8.pdf](#)
[Newport at Amphi support letters 7-22-19.pdf](#)
[Newport at Amphi parks - Google Maps 7-22-19.pdf](#)
[Hospitals Newport at Amphi - Google Maps 7-19-19.pdf](#)
[COT HOME Application - Newport at Amphi.pdf](#)
[grocery - Newport at Amphi Google Maps 7-19-19.pdf](#)

Additional Studies Performed:

Field Inspection [Optional]: Date and completed

by:

Glenn Fournie

7/17/2019 12:00:00 AM

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

Arizona Department of Housing (ADOH)- Lori Hoffner HUD-Stanley Toal City of Tucson
Office of the Mayor-Mayor Jonathan Rothschild City of Tucson Housing and
Community Development Department-Liz Morales, Sally Stang, Joyce Alcantar City of
Tucson Planning and Development Services-Scott Clark, Interim Director, Steve Shields
City of Tucson Department of Transportation-Samuel Credo, Deputy Director City of
Tucson Office of Integrated Planning-Rebecca Roupp Tucson Fire Department- Joseph
Gulotta, Interim Fire Chief Tucson Police Department- Chief Chris Magnus City of
Tucson Department of Environmental Quality -Carlos De La Torre, Director Tucson
Water- Michael Mourreal, PE Pima County Wastewater Management- Kurt Stemm,
CEA SR City of Tucson Historic Preservation Office - Allison Deihl City of Tucson and
Pima County Consortium HUD Consolidated Plan:

https://www.tucsonaz.gov/files/hcd/City_of_Tucson_and_Pima_County_FFY2015-2019_5-year_HUDConsolidated_Plan.pdf City of Tucson General & Sustainability Plan
<https://www.tucsonaz.gov/pdsd/plan-tucson>

List of Permits Obtained:

The reviews that go into each project include but are not limited to: Planning, Zoning, Engineering, Landscape, Fire, ADA, Plumbing, Solid Waste, Right of Way Improvements, Structural, Mechanical and Plumbing, Electrical, Fire, Zoning

Engineering, Wastewater, Water, Transportation. The City of Tucson Planning and Development Services Department reviews, approves and issues all permits for: zoning, site plans, grading, storm water, demolition, parking, landscape and construction trades; issues all permits; performs inspections and issues certificate of occupancy. The Department enforces building and zoning codes.

Public Outreach [24 CFR 58.43]:

Publication of the FONSI/RROF October 9, 2019 in the Arizona Daily Star, and interested parties contacted by email. The Environmental Review Record (ERR) that documents the environmental determinations for this project is available at <https://www.tucsonaz.gov/hcd/environmental-review> and on file at City of Tucson Housing and Community Development Department, 310 S. Commerce Park Loop, Tucson, Pima County Arizona 85745 and may be examined weekdays 8:00 a.m. to 4:00 p.m. The ERR will also be available and distributed on the HUD HEROS system.

[Newport at Amphi FONSI-RROF ad 10-9-19.pdf](#)
[Newpoprt at Amphi RROF contact list 10-9-19.xlsx](#)

Cumulative Impact Analysis [24 CFR 58.32]:

The project will be a minor contributor to the projected increase in population, traffic and energy usage already anticipated for the area. The development is in an existing urban neighborhood and will use existing roadways, sewer systems, municipal water and other utilities already in place. Utilities are in place on site. No significant cumulative impacts on the environment would be anticipated from the proposed action in conjunction with other activities.

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

No alternatives other than the no action alternative were considered.

No Action Alternative [24 CFR 58.40(e)]

40 units of desperately needed new affordable housing units for low income families with children, would not be built. Goals of the City of Tucson Consolidated Plan would not be fulfilled. The Developer will miss the ADOH Low Income Housing Tax Credit and City of Tucson HOME funding opportunity that makes the project affordable at this time. Ten Project-Based Vouchers from the City of Tucson Housing and Community Development Department Public Housing Authority would not be utilized. The site will remain under-developed with abandoned and derelict structures, posing a nuisance to the neighborhood.

Summary of Findings and Conclusions:

The proposed new construction of 40 units of low income housing will not adversely affect the environment or the neighborhood. The activity is compatible with the existing mixed uses in the area and the development plans in place for the area. There

will be little to no impact on existing resources or services in the area. The land is available and ready for construction and the site plans are approved. The ten (10) Project-Based Vouchers have been set aside. The project is a positive step in meeting City of Tucson goals for encouraging appropriate growth and development in the area.

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
Noise Abatement and Control	<p>barrier wall at playground area, construction upgrades as outlined in noise mitigation plan.</p> <p>The playground area was found to receive DNL 70.6 at NAL-2 primarily from Stone Avenue. 5.6 dB of insertion loss will be needed from the east wall of the playground. An 8.0 foot wall, as shown in Figure 4.1, will achieve 10.1 dB of insertion loss with regard to noise from Stone Avenue and achieve sufficient height to shield the area from the exhaust stacks of heavy trucks. This will reduce the playground DNL to 61. The output of the barrier model is shown in Appendix A3.2. HUD targets an interior background noise level of DNL 45 with the assumption that the building exterior wall system meets STC 20. In order to meet the maximum interior noise level requirement for the existing exterior DNL at the proposed site, a rating of STC 30 will be needed for the building envelop.</p>	N/A	
Permits, reviews and approvals	The reviews that go into each project include but are not limited to: Planning, Zoning, Engineering, Landscape, Fire,	N/A	

	ADA, Plumbing, Solid Waste, Right of Way Improvements, Structural, Mechanical and Plumbing, Electrical, Fire, Zoning Engineering, Wastewater, Water, Transportation. The City of Tucson Planning and Development Services Department reviews, approves and issues all permits for: zoning, site plans, grading, storm water, demolition, parking, landscape and construction trades; issues all permits; performs inspections and issues certificate of occupancy. The Department enforces building and zoning codes.		
--	---	--	--

Mitigation Plan

The City of Tucson Planning and Development Services Department reviews, approves and issues all permits, performs inspections, enforces building and zoning codes and issues Certificates of Occupancy. Project architect will document throughout the construction period with a final report that mitigation measures have been met.

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.

Supporting documentation

[Newport Airport Map 7-15-19.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.

Compliance Determination

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

Supporting documentation

[Coastal Barriers Template 5-11-18.docx](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

2. Upload a FEMA/FIRM map showing the site here:

[Newport flood map 7-15-19.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

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

Yes

Screen Summary Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. FEMA flood zone X 4019C-1688 L 6/16/16. The project is in compliance with flood insurance requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Carbon Monoxide

Lead

Nitrogen dioxide

Sulfur dioxide

Ozone

Particulate Matter, <2.5 microns

Particulate Matter, <10 microns

3. What are the *de minimis* emissions levels (40 CFR 93.153) or screening levels for the non-attainment or maintenance level pollutants indicated above

Carbon monoxide 9.00 ppm (parts per million)

Provide your source used to determine levels here:

Richard Grimaldi Deputy Director Pima County Department of Environmental Quality 33 N. Stone Ave., Suite 700 Tucson, AZ 85701 Phone (520) 724 7363 richard.grimaldi@pima.gov

4. Determine the estimated emissions levels of your project. Will your project exceed any of the *de minimis* or threshold emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?

- ✓ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels.

Enter the estimate emission levels:

Carbon monoxide 9.00 ppm (parts per million)

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

Yes, the project exceeds *de minimis* emissions levels or screening levels.

Screen Summary

Compliance Determination

The project's county or air quality management district is in non-attainment status for Carbon monoxide. This project does not exceed *de minimis* emissions levels or the screening level established by the state or air quality management district for the pollutant. ADEQ and Pima County Department of Environmental Quality sites have been reviewed and these agencies have no concerns about multi-family or small apartment complexes (under 100 units) development in existing residential areas

changing or adversely impacting air quality control standards. This project has no more than 40 units. ADEQ has no active impact sites in Tucson. The project is in compliance with the Clean Air Act.

Supporting documentation

[Air Quality Template 5-11-18.docx](#)

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

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.

Supporting documentation

[Coastal zones template 5-11-18.docx](#)

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:

NO RECs were found

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

Yes

Screen Summary

Compliance Determination

After review of the Phase I ESAs by Western Technologies, Inc. dated 11/15/18, and updated 9/3/19, site visits by City of Tucson Housing and Community Development staff and review of known environmental registrations and maps, the determination is that

the project site is 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. Asbestos and lead testing and abatement are required as part of the demolition permit process and will be performed prior to issuance of the demolition permit. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[Newport.Asbestos Survey 9-5-19.pdf](#)

[Phase I ESA update Newport at Amphi 9-3-19.pdf](#)

[Newport at AmphiPhase I ESA 7-15-19.pdf](#)

[Newport at Amphi Toxics GIS map 7-15-19.pdf](#)

[Newport at Amphi NEPA Assist map 7-15-19.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**

The project will have no effect on any federally protected (listed or proposed) Threatened or Endangered Species, nor adversely modify designated critical habitats. The site is a previously developed urban infill parcel in an urban neighborhood. The site does not have water features and only a few mesquite trees, and no visible sign of animal habitation. The U.S. Fish and Wildlife Services show no critical habitat areas in the Tucson Metropolitan area. The project is compliance with the Endangered Species Act.

Supporting documentation

[\[EXTERNAL\]Re AGFD Project review 3601 N. Stone Avenue.pdf](#)
[Stone-Prince aerial map 2-18-19.pdf](#)
[Newport at Amphi Critical Habitat 7-15-19.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 a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals), i.e. bulk fuel storage facilities, refineries, etc.?

No

Yes

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

No

Yes

3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers:

- Of more than 100 gallon capacity, containing common liquid industrial fuels OR
- Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?

No

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

Yes

Screen Summary

Compliance Determination

After review of the Phase I Environmental Site Assessments by Western Technologies, Inc. dated 11/15/19 and updated 9/3/19, site visits by City of Tucson Housing and Community Development staff and review of known environmental registrations and maps, the determination is that the project site is not in the vicinity of any hazardous operation involving explosive or flammable fuels or chemicals. There are no current or planned stationary above ground storage containers of concern within 1 mile of the project sites. The project sites are in fully developed urban residential/mixed use neighborhoods. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

[Stone-Prince aerial map 2-18-19\(2\).pdf](#)

[Newport at Amphi NEPA Assist map 7-15-19\(1\).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:

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

The sites do not meet the definition of farmland per 7 CFR Part 658.2 a (1) "Farmland" does not include land already in or committed to urban development or water storage. The site is in a fully developed urban environment per USDA Soils Survey Map printed 5/11/18. 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.

Supporting documentation

[US Census Urban Area Soils Map 7-8-19.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:

[Newport flood map 7-15-19.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

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

Yes

Screen Summary

Compliance Determination

This project does not occur in a floodplain. FEMA flood zone X 4019C-1688 L 6/16/11.
The project is in compliance with Executive Order 11988.

Supporting documentation

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 (b). Document and upload the memo or explanation/justification of the other determination below:

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

Screen Summary

Compliance Determination

The determination memo that there are no historic properties affected per 36 CFR 800.4 from City of Tucson Historic Preservation Officer is dated 3/18/19, and in accordance with the programmatic agreement with the City of Tucson, SHPO and

ACHP dated 1/25/2002. The Area of Potential Effect (APE) is defined as the project property boundaries. The project is in compliance with Section 106.

Supporting documentation

[Prince and Stone HPO Letter Mar 18 2019.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

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

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

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

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

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

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

Is your project in a largely undeveloped area?

- ✓ No

Indicate noise level here: 71.2

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

Yes

Unacceptable: (Above 75 decibels)

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

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

Indicate noise level here: 71.2

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

6. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. 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.

✓ Mitigation as follows will be implemented:

barrier wall at playground area, construction upgrades as outlined in noise mitigation plan. The playground area was found to receive DNL 70.6 at NAL-2 primarily from Stone Avenue. 5.6 dB of insertion loss will be needed from the east wall of the playground. An 8.0 foot wall, as shown in Figure 4.1, will achieve 10.1 dB of insertion loss with regard to noise from Stone Avenue and achieve sufficient height to shield the area from the exhaust stacks of heavy trucks. This will reduce the playground DNL to 61. The output of the barrier model is shown in Appendix A3.2. HUD targets an interior background noise level of DNL 45 with the assumption that the building exterior wall system meets STC 20. In order to meet the maximum interior noise level requirement for the existing exterior DNL at the proposed site, a rating of STC 30 will be needed for the building envelop.

Based on the response, the review is in compliance with this section. Document and upload drawings, specifications, and other materials as needed to describe the project's noise mitigation measures below.

No mitigation is necessary.

Screen Summary

Compliance Determination

A Noise Assessment was conducted for the project site. Background noise levels at noise sensitive locations were found to be above DNL 70 and below DNL 75. A noise abatement plan to ensure sufficient sound insulation of the building envelop and playground area was developed. With the sound attenuation measures listed in the mitigation section and confirmed by the project architect, the interior noise level will meet or exceed the 45 dB interior noise requirements. The project is in compliance with HUD's Noise regulation with mitigation.

Supporting documentation

[191003 Newport at Amphi Wall Types & Details.pdf](#)

[191003_1477_NEWPORT AT AMPHI ARCHITECTURAL SITE PLAN.pdf](#)

[SW19-19 Newport Amphi HUD Noise Study r0.pdf](#)

Are formal compliance steps or mitigation required?

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

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

Document and upload MOU or Agreement below.

No

4. 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

Yes

Document and upload where your project fits within the MOU or working agreement below. Based on the response, the review is in compliance with this section.

No

Screen Summary

Compliance Determination

The project is located on a sole source aquifer. The region has an MOU or other working agreement with EPA for HUD projects impacting a sole source aquifer, and the MOU or working agreement excludes the project from further review. The project will use municipal water and an existing sewer system. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[Sole Source Aquifer Template 5-11-18.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

Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

Screen Summary

Compliance Determination

The project does not involve new construction within or adjacent to wet lands, marshes, wet meadows, mud flats or natural ponds. The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.

Supporting documentation

[Newport at Amphi Wetlands map 7-15-19.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.

Supporting documentation

[Wild-Scenic Rivers TEMPLATE 5-11-18.docx](#)

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

[Newport at Amphi CensDemoMap 7-15-19.pdf](#)
[Newport at Amphi EJSCREEN Report 7-15-19.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No