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

Project Information

Project Name: City-of-Rapid-City-Demo-248-Curtis
HEROS Number: 9000000010031180
Responsible Entity (RE): RAPID CITY, 300 6th St Rapid City SD, 57701
State / Local Identifier:
RE Preparer: Barbara Garcia
Certifying Officer: Steve Allender
Grant Recipient (if different than Responsible Entity): City of Rapid City

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 248 Curtis St, Rapid City, SD 57701
Additional Location Information:
Legal AIRPORT; BLOCK 31; S78.5' OF W98.5' OF BLOCK 31 TS: 2N RNG: 07E SEC: 25

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:
This project will involve demolition of an abandoned, substandard home located at 248 Curtis Street Rapid City SD 57701 and new construction of an affordable home that will be occupied by low-income households. Upgrades or replacement of the existing water and sewer lines may also be included in the project.
Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:
58.35(a)(4)(i)

Determination:

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

Approval Documents:

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

<table>
<thead>
<tr>
<th>Grant / Project Identification Number</th>
<th>HUD Program</th>
<th>Program Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>B17MC460002</td>
<td>Community Planning and Development (CPD)</td>
<td>Community Development Block Grants (CDBG) (Entitlement)</td>
</tr>
</tbody>
</table>

Estimated Total HUD Funded, Assisted or Insured Amount: $35,000.00
Estimated Total Project Cost: $35,000.00

**Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities**

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determination (See Appendix A for source determinations)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Airport Hazards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D</td>
<td>☐ Yes ☑ No</td>
<td>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 Airpot Hazards requirements. This property is located 6.5 miles / 34,320 feet from Ellsworth Air Force Base. Rapid City Regional Airport is located 7.03 miles / 37,118 feet from the property. The property is not located in or near a runway clear zone.</td>
</tr>
<tr>
<td><strong>Coastal Barrier Resources Act</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>☐ Yes ☑ No</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Flood Insurance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</td>
<td>☐ Yes ☑ No</td>
<td>FEMA Flood Insurance Rate Map for Pennington County, South Dakota - Panel 776 of 2050, Map Number 46103C0776H; Effective date June 3, 2013. The structure or insurable property is not located in a FEMA designated Special Flood Hazard Area. 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality</strong></td>
</tr>
<tr>
<td>Clean Air Act, as amended,</td>
</tr>
</tbody>
</table>

08/24/2017 14:17
particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 | These activities will create some fugitive dust for a short period of time. The lot is less than 1 acre in size and therefore will not require an Air Quality Permit. However, Lead and Asbestos testing has been accomplished and there is some asbestos in the siding on one wall of the home, requiring removal of the siding to be done by an Asbestos certified contractor with required air monitoring and removal procedures.

| Coastal Zone Management Act | Yes 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 | Yes No | Site contamination was evaluated as follows: ASTM Phase I ESA. No nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. However asbestos siding material was found On-site on the home’s east side. The adverse environmental impacts from the asbestos can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. Asbestos and Lead testing was conducted on this property by Dave Anderson of Anderson Environmental Services on July 13, 2017. Testing included the single family home and garage located on the property. Three different types/colors of paint were tested for lead content. None of the samples were above the regulated amount of lead. Transite siding on the east side of the home was found to have regulated amounts of asbestos, at 17% Chrysotile and 83% Non-Fibrous other materials. The area of Transite siding is estimated to be about 27 feet
long by 13 feet high, or 351 sq. ft. Mitigation will require: 1. Submission of a completed Notification of Demolition and Renovation form to the Asbestos Coordinator at the Department of Environment and Natural Resources Waste Management Program, 523 East Capitol Ave., Pierre, SD 57501-3182 not less than ten (10) weekdays in advance of the scheduled demolition. 2. An individual trained in the provisions of Regulation 40 CFR, Part 61, Subpart M, will be on-site during any asbestos abatement activities. 3. Notification to all local, state and federal agencies as required shall be done, required preliminary and final submittals, proof of disposal at an EPA approved landfill, and proof of Environmental Insurance. 4. Work shall include OSHA required air monitoring and Independent Clearance Air Monitoring as applicable and required. 5. Per phone consultation with Michelle Tech, Air Quality Official for the City of Rapid City, on July 20, 2017, Dust suppressions must be less than or equal to 20% opacity materials must be sprayed with water to control fugitive dust particles and spray while in process of demolition. 6. Removal and disposal of asbestos shall be done according to all local, state and federal requirements with notifications as required.

<table>
<thead>
<tr>
<th>Endangered Species Act</th>
<th>Yes ✗ No</th>
<th>This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</td>
<td>Yes ✗ No</td>
<td>The project is located in a fully developed area. There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.</td>
</tr>
<tr>
<td>Farmlands Protection</td>
<td>Yes ✗ No</td>
<td>This project does not include any</td>
</tr>
<tr>
<td>Policy Area</td>
<td>Policy Reference</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Farmland Protection Policy Act</td>
<td>1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</td>
<td>Yes</td>
</tr>
<tr>
<td>Floodplain Management</td>
<td>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</td>
<td>No</td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</td>
<td>No</td>
</tr>
<tr>
<td>Noise Abatement and Control</td>
<td>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
<td>No</td>
</tr>
<tr>
<td>Sole Source Aquifers</td>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</td>
<td>Yes</td>
</tr>
<tr>
<td>Wetlands Protection</td>
<td>Executive Order 11990, particularly sections 2 and 5</td>
<td>No</td>
</tr>
</tbody>
</table>
Wild and Scenic Rivers Act
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

☐ Yes  ☑ No This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure or Condition</th>
<th>Comments on Completed Measures</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contamination and Toxic Substances</td>
<td>Asbestos testing identified an asbestos level above the testing limit of 1%. Asbestos at a level of 17% Chrysotile with 83% non-Fibrous material was found in the siding on the east side of the house.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
Mitigation Plan
Contractors must be Asbestos certified and will follow all DENR regulations. Mitigation will require: 1. Submission by Rapid City Community Development Manager or Contractor of a completed Notification of Demolition and Renovation form to the Asbestos Coordinator at the Department of Environment and Natural Resources Waste Management Program, 523 East Capitol Ave., Pierre, SD 57501-3182 not less than ten (10) weekdays in advance of the scheduled demolition. 2. An individual trained in the provisions of Regulation 40 CFR, Part 61, Subpart M, will be on-site during any asbestos abatement activities. 3. Notification to all local, state and federal agencies as required shall be done, required preliminary and final submittals, proof of disposal at an EPA approved landfill, and proof of Environmental Insurance. 4. Work shall include OSHA required air monitoring and Independent Clearance Air Monitoring as applicable and required. 5. Per phone consultation with Michelle Tech, Air Quality Official for the City of Rapid City, on July 20, 2017, Dust suppressions must be less than or equal to 20% opacity. Materials must be sprayed with water to control fugitive dust particles and spray while in process of demolition. 6. Waste Disposal and Transportation of asbestos: shall be done according to all local, state and federal requirements with notifications as required. Waste materials must be sealed in a leak-tight container while wet, labeled, and disposed of properly in a landfill qualified to receive asbestos waste. Transportation vehicles that move the waste from the point of generation to the asbestos landfill will properly label the containers as required and execute and maintain proper waste shipment recordkeeping, per applicable regulations.

Supporting documentation on completed measures
APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

<table>
<thead>
<tr>
<th>General policy</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.</td>
<td></td>
<td>24 CFR Part 51 Subpart D</td>
</tr>
</tbody>
</table>

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. This property is located 6.5 miles / 34,320 feet from Ellsworth Air Force Base. Rapid City Regional Airport is located 7.03 miles / 37,118 feet from the property. The property is not located in or near a run way clear zone.

Supporting documentation

248 Curtis AirportNoiseContoursDistances.pdf
248 Curtis AirportMap.pdf

Are formal compliance steps or mitigation required?

Yes

✓ No
Coastal Barrier Resources

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)</td>
<td></td>
</tr>
</tbody>
</table>

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

Are formal compliance steps or mitigation required?
  - Yes
  - No
  ✓ No
Flood Insurance

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)</td>
<td>24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).</td>
</tr>
</tbody>
</table>

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:

   248 Curtis FIRM #FM46103CO776H.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
FEMA Flood Insurance Rate Map for Pennington County, South Dakota - Panel 776 of 2050, Map Number 46103CO776H; Effective date June 3, 2013. The structure or insurable property is not
located in a FEMA designated Special Flood Hazard Area. 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.

Supporting documentation
248 Curtis FEMA Flood location(1).pdf
248 Curtis Flood Map.pdf
248 Curtis FEMA Flood location.pdf

Are formal compliance steps or mitigation required?

✔ No
Air Quality

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

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
The existing home will be demolished and new construction of an affordable home ). These activities will create some fugitive dust for a short period of time. The lot is less than 1 acre in size and therefore will not require an Air Quality Permit. However, Lead and Asbestos testing has been accomplished and there is some asbestos in the siding on one wall of the home, requiring removal of the siding to be done by an Asbestos certified contractor with required air monitoring and removal procedures.

Supporting documentation

Are formal compliance steps or mitigation required?

✓ Yes

No
Coastal Zone Management Act

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))</td>
<td>15 CFR Part 930</td>
</tr>
</tbody>
</table>

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

Are formal compliance steps or mitigation required?

- Yes
- No
Contamination and Toxic Substances

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
<td>24 CFR 58.5(i)(2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 CFR 50.3(i)</td>
</tr>
</tbody>
</table>

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

   ✓ Yes

3. **Mitigation**

   Document and upload the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

   **Can adverse environmental impacts be mitigated?**

   Adverse environmental impacts cannot feasibly be mitigated.
4. Describe how compliance was achieved in the text box below. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls, or use of institutional controls.

Asbestos testing identified an asbestos level above the testing limit of 1%. Asbestos at a level of 17% Chrysotile with 83% non-Fibrous material was found in the siding on the east side of the house.

If a remediation plan or clean-up program was necessary, which standard does it follow?

✓ Complete removal

Risk-based corrective action (RBCA)

Screen Summary
Compliance Determination
Site contamination was evaluated as follows: ASTM Phase I ESA. No nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. However asbestos siding material was found on-site on the home’s east side. The adverse environmental impacts from the asbestos can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. Asbestos and Lead testing was conducted on this property by Dave Anderson of Anderson Environmental Services on July 13, 2017. Testing included the single family home and garage located on the property. Three different types/colors of paint were tested for lead content. None of the samples were above the regulated amount of lead. Transite siding on the east side of the home was found to have regulated amounts of asbestos, at 17% Chrysotile and 83% Non-Fibrous other materials. The area of Transite siding is estimated to be about 27 feet long by 13 feet high, or 351 sq. ft.

Mitigation will require: 1. Submission of a completed Notification of Demolition and Renovation form to the Asbestos Coordinator at the Department of Environment and Natural Resources Waste Management Program, 523 East Capitol Ave., Pierre, SD 57501-3182 not less than ten (10) weekdays in advance of the scheduled demolition. 2. An individual trained in the provisions of Regulation 40 CFR, Part 61, Subpart M, will be on-site during any asbestos abatement activities. 3. Notification to all local, state and federal agencies as required shall be done, required preliminary and final submittals, proof of disposal at an EPA approved landfill, and proof of Environmental Insurance. 4. Work shall include OSHA required air monitoring and Independent Clearance Air Monitoring as applicable and required. 5. Per phone consultation

✓ Yes, adverse environmental impacts can be eliminated through mitigation. Document and upload all mitigation requirements below.
with Michelle Tech, Air Quality Official for the City of Rapid City, on July 20, 2017, Dust suppressions must be less than or equal to 20% opacity materials must be sprayed with water to control fugitive dust particles and spray while in process of demolition. 6. Removal and disposal of asbestos shall be done according to all local, state and federal requirements with notifications as required.

Supporting documentation

248 Curtis St Insp.pdf
248 Curtis St Asb.PDF
248 Curtis St Lead.PDF
248 Curtis Hazard Map.png
248 Curtis Hazard Map Listing.xlsx

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 et seq.); 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.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

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

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.

Screen Summary

Compliance Determination
This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.

Supporting documentation

Are formal compliance steps or mitigation required?
Yes
✓ No
Explosive and Flammable Hazards

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

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
The project is located in a fully developed area. There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Are formal compliance steps or mitigation required?
  Yes
  ✓ No
Farmlands Protection

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
</table>

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.

Supporting documentation

Are formal compliance steps or mitigation required?

   Yes
   ✓ No
Floodplain Management

**General Requirements**

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.

**Legislation**

Executive Order 11988

**Regulation**

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:**

   248 Curtis FIRM #FM46103CO776H.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?**

   - Yes
   - No

   Based on the response, the review is in compliance with this section.
Screen Summary
Compliance Determination
This project does not occur in a floodplain per Flood Insurance Rate Map (FIRM), Pennington County, South Dakota, Panel 776 of 2050; Map Number 46103C0776H; Effective Date June 3, 2013. The project is in compliance with Executive Order 11988.

Supporting documentation

Are formal compliance steps or mitigation required?

- Yes

✓ No
## Historic Preservation

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)</td>
<td>36 CFR 800 “Protection of Historic Properties”</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.access.gpo.gov/nara/cfr/waisdx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisdx_10/36cfr800_10.html</a></td>
</tr>
</tbody>
</table>

### 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.)
- 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:**

This project has been determined to have no potential effects on any historic properties and that the property itself it not historic. Per Section 106 review approval dated 7/6/17

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

### Screen Summary

**Compliance Determination**

This project has been determined to have no potential effects on any historic properties and that the property itself it not historic. Per Section 106 project review concurrence approval letter (SHPO Project # 170608002F) from Kate Nelson, dated 7/6/17. Based on the project scope the SHPO concurs with our determination of "No Historic Properties Affected." The project is in compliance with Section 106.
Supporting documentation

248 Curtis PropertyDataSheet.pdf
248 Curtis No Historic Properties Map.pdf
248 Curtis Section 103 Approval letter.pdf

Are formal compliance steps or mitigation required?

Yes

✓ No
**Noise Abatement and Control**

<table>
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<tr>
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<tbody>
<tr>
<td>HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.</td>
<td>Noise Control Act of 1972</td>
<td>Title 24 CFR 51 Subpart B</td>
</tr>
<tr>
<td></td>
<td>General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”</td>
<td></td>
</tr>
</tbody>
</table>

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))
  
  Indicate noise level here: 63.2

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

- 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))

- Unacceptable: (Above 75 decibels)

**Screen Summary**

**Compliance Determination**
The project is demolition of an existing substandard residential property and construction of an affordable home. A Preliminary Screening was performed, and found the following: Ellsworth AFB, Rapid City Regional Airport and two major roadways, Haines Ave. and Interstate 90 are within the evaluation distance of the property. There are no railroads within 3,000 ft. of the property. The Noise Assessment was accomplished using 2035 traffic projections. The value of all noise sources is 64.4 dB, which is acceptable. The project is in compliance with HUD’s Noise regulation without mitigation.

**Supporting documentation**

248 Curtis Noise Assessment.pdf

Are formal compliance steps or mitigation required?

- Yes

- □ No
Sole Source Aquifers

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<tbody>
<tr>
<td>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.</td>
<td>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</td>
<td>40 CFR Part 149</td>
</tr>
</tbody>
</table>

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?
   
   Yes
   
   No

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.

Supporting documentation

248 Curtis Ariel View(1).pdf

Are formal compliance steps or mitigation required?

Yes

✓ No
Wetlands Protection

<table>
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<tr>
<td>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.</td>
<td>Executive Order 11990</td>
<td>24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.</td>
</tr>
</tbody>
</table>

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.

**Supporting documentation**

248 Curtis Flood Map(1).pdf

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

Yes

✓ **No**
# Wild and Scenic Rivers Act

<table>
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<tbody>
<tr>
<td>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.</td>
<td>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))</td>
<td>36 CFR Part 297</td>
</tr>
</tbody>
</table>

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**

[NPS Rivers Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No
Environmental Justice

<table>
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</thead>
<tbody>
<tr>
<td>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.</td>
<td>Executive Order 12898</td>
<td></td>
</tr>
</tbody>
</table>

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

YFS EJ Map.pdf

Are formal compliance steps or mitigation required?

   Yes
   ✓ No