

## Environmental Broad Review Statutory Checklists

### Project Information<sup>6</sup>

**Program Names:** Fayette County Hurricane Harvey Buyout Program

**Responsible Entity:** Fayette County

**Grant Recipient:**

**State/Local Identifier:** GLO Contract Number 20-066-010-C063

**Preparer:** Nicolas G. Post, AICP

**Certifying Officer:** Joe Weber, County Judge, Fayette County

**Consultant:** Raba-Kistner, Inc.

**Direct Comments to:** Mr. Brice Bloomer  
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**Project Location:** This Broad-Level Review consists of scattered sites across Fayette County. These sites must be in areas designated as floodplain by the Federal Emergency Management Agency (FEMA), or in designated Disaster Risk Reduction Areas.

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

The CDBG-DR allocation will fund the Buyouts Program to residents whose homes sustained damage from Hurricane Harvey starting after its landfall on August 25, 2017. This program allows municipalities to purchase properties from residents at fair market value in flood-prone areas and convert them to parks, open space, or stormwater detention or overflow features. The money will be used to offer buyouts to property owners in select areas of the county that are especially prone to flooding. To restore the floodplain, structures on the buyout sites (to date 25 parcels) will be demolished and the sites returned to a natural state, allowing stormwater to flow through the area without the risk of endangering residents or property. The cleared sites will become recreational or open space, allowing for public use while removing a potential flood hazard. These programs are effective in communities and neighborhoods that have been impacted by multiple disasters or sustained significant enough damage to increase the risk of damage from future disasters. The County estimates up to 46 households under the 2017 Buyout could be assisted through this grant and the project would meet the national objectives of Low to Moderate Buyout, Low to Moderate Housing Incentives, and Urgent Need.

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

Hurricane Harvey made landfall on August 25, 2017, between Padre Island and Port O'Connor as a Category 4 hurricane with sustained winds over 130 mph. After initial impact, Hurricane Harvey's winds began to decrease, but due to two high-pressure systems to the east and west, it remained fixed over the

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<sup>6</sup> HUD. 2020. *Part 58 EA form* (<https://www.hud.gov/sites/dfiles/CPD/documents/Part-58-EA-Format.pdf>)

state for the next four days, reaching as far as Central Texas. During this period, the large volume of rainfall caused severe property damage to many homes in Fayette County, especially those near the Colorado River and Buckner’s Creek. More than 300 residents of the City of La Grange, Texas were left homeless as a result of the hurricane. The proposed program will assist Fayette County residents whose single-family homes are continually exposed to flood conditions to sell their property and relocate to an area outside the floodplain. The sites would then be converted to open space or recreational use to better accommodate floodwaters.

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

Homeowners with access to private insurance or other funding sources (e.g., Federal Emergency Management Agency [FEMA] direct assistance) are restoring their homes as these funds become available. Others, particularly low- to moderate-income families and those in previously unimpacted flooding areas, have no available funds to complete needed repairs, elevation or replacements. In the absence of the proposed programs, existing buildings damaged by Hurricane Harvey would remain in an unrepaired state, resulting in increased slum and blight, safety concerns and future storm hazards.

**Funding Information**

Grant Number	HUD Program	Funding Amount
B-17-DM-48-0001	CDBG-DR	\$8,913,618

**Estimated Total HUD Funded Amount:** \$8,913,618

**Estimated Total Project Cost (HUD and Non-HUD Funds):** \$8,913,618 (Project is solely funded by CDBG-DR Funds)

**Level of Environmental Review Determination:** Environmental Assessment per 24 CFR 58.36.

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

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 Determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance is achieved in the Broad Level Review.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Are Formal Compliance Steps or Mitigation Required?	<b>Compliance Determinations</b>
		There are no airports offering civil commercial service and no military airfields within the boundaries of Fayette County ( <b>Attachment 1</b> ). No further review is required.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance is achieved in the Broad Level Review.  Fayette County is inland and does not contain barrier islands that are protected by the GLO's Coastal Zone Management Program ( <b>Attachment 2</b> ).
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance is achieved at the Broad Level Review.  The main goal of the program is to assist residents whose homes are in areas designated by the Federal Emergency Management Agency (FEMA) as Special Flood Hazard Areas (SFHA). According to an email correspondence with the Region VI Field Environmental Officer, the HUD 8-step decision making process (24 CFR 55.20) for proposed activities in floodplains is not required per 24 CFR 55.12(c)(3). Financial assistance for preserving the natural and beneficial functions and values of floodplains and wetlands including the acquisition of property is exempt from the 8-step process provided that the property is cleared of all structures; is dedicated for flood control, open space, or wetland protection; and a permanent covenant or comparable restriction is placed on the property's continued use to preserve the area from future development. A final use deed restriction would need to be recorded in perpetuity at closing and would need to be added to the site-specific when available.  Fayette County participates in the FEMA National Flood Program.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Are Formal Compliance Steps or Mitigation Required?	<b>Compliance Determinations</b>
		This project is for demolition of existing residential homes within a floodplain/floodway or who experience repetitive loss due to flooding, and no buildings will remain on the site. The bought-out properties will become parks or open space. No insurable structures will remain and no residential or commercial structures would be built on it. Per the HUD Flood Insurance Guidelines compliance is met.  A FEMA Floodplain Map and HUD email correspondence is included as <b>Attachment 3</b> .
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance achieved in the Broad Review.  Actions as part of the Buyout Program are not expected to exceed the de minimis emissions threshold and would be exempt (40 CFR 93.153)  According to the US Environmental Protection Agency's <i>Counties Designated Nonattainment Map</i> , Fayette County is not classified as a non-attainment area. There will be no construction of homes in this program, but the demolition of existing structures could lead to temporarily increased levels of dust and particulate matter. This would be controlled using standard dust suppression best management practices (BMPs) and engineering controls.  Since no homes are to be constructed and the sites will be converted to open space, radon gas is not an air quality concern for this program, Additionally, Fayette County is in Zone 3, the area with EPA's lowest risk of radon.  Maps of Fayette County's attainment status and Radon Zone are included as <b>Attachment 4</b> .
<b>Coastal Zone Management</b>	Yes    No	Compliance achieved in the Broad Review.

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Are Formal Compliance Steps or Mitigation Required?</p>	<p><b>Compliance Determinations</b></p>
<p>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Fayette County is an inland county and is outside of Coastal Zone Management Areas (<b>Attachment 5</b>). No further review is required.</p>
<p><b>Contamination and Toxic Substances</b>                       24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</p>	<p>Yes No  <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Compliance will be achieved at the site specific level.                       Fayette County contains sites known to be contaminated, or that may potentially be contaminated, with hazardous materials. Site specific field inspections will determine the presence or potential to encounter hazardous materials on the sites or adjacent areas. Mitigation measures may include the removal of hazardous materials or contamination in accordance with the Texas Commission on Environmental Quality (TCEQ) regulations prior to the buyout of specific sites. This includes the presence of lead paint and asbestos containing materials in older structures prior to demolition activities. Maps of hazardous materials sites are included in <b>Attachment 6</b>.</p>
<p><b>Endangered Species</b>                       Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No  <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Compliance will be achieved at the site specific level.                       According to the U.S. Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD), Fayette County may contain habitat for a number of federal and state listed threatened and endangered species as well as migratory birds. A TPWD list of threatened and endangered species, a USFWS species list, and a Critical Habitat Map showing no critical habitat within the boundaries of Fayette County is included as <b>Attachment 7</b>. Site Specific Reviews will determine whether habitat is present based on information provided in the USFWS Information for Planning and Consultation system. If needed, consultation will be initiated with the USFWS to ensure the</p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Are Formal Compliance Steps or Mitigation Required?	<b>Compliance Determinations</b>
		<p>program would have no effect on endangered species.</p> <p>The Buyout Program is mainly a financial assistance program that seeks to purchase residential properties in floodplain areas and convert the land to open space for flood control. Mitigation measures would be taken during demolition activities to avoid impacting potential habitat or species. Demolition debris will be properly disposed of and staging of demolition equipment would be restricted to the Buyout Program site and its adjacent road.</p>
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Compliance is achieved at the Broad Level Review.</p> <p>Aboveground storage tanks containing explosive or flammable materials may be present at Buyout Program sites. Tanks over 100 gallons meet the HUD threshold for evaluation and may include privately owned propane tanks located on residential properties. Field and desktop investigations will identify potentially explosive or flammable tanks on site. No homes will be constructed with this program and while a property may be acquired and later redeveloped as a community facility, redevelopment activities are not eligible for funding under this program. Calculating the acceptable safe distance and mitigation for construction will not be necessary since the proposed Buyout activities will not increase the residential density. The project is exempt from HUD's acceptable separation distance requirements at <i>24 CFR Part 51 Subpart C</i>. However, tanks present on Buyout Program sites will be properly decommissioned and disposed of in accordance with TCEQ regulations. A map of Texas Railroad Commission registered sites that use Liquid Propane Gas is included as <b>Attachment 8</b></p>

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Are Formal Compliance Steps or Mitigation Required?	<b>Compliance Determinations</b>
		(Additional tanks not shown on this map may be present).
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance achieved in the Broad Review  As shown in <b>Attachment 9</b> , the county contains soils that are considered prime farmland or farmland of statewide importance. However, Buyout Program sites are residential properties on disturbed ground that will be returned to open space or recreational areas. While demolition activities will take place, no homes will be constructed as part of this program. A property may be acquired and redeveloped as a community facility but redevelopment activities are not eligible for funding under this program. Additionally, land that is already developed for other purposes or is within a US Census designated Urban Area is exempt from the FPPA.
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Compliance will be achieved at the site-specific level.  The Following FIRM Panels are within Fayette County:  48149C0500C, 48149C0405C, 48149C0375C, 48149C0230C, 48149C0205C, 48149C0150C, 48149C0550C, 48149C0325C, 48149C0200C, 48149C0265C, 48149C0425C, 48149C0400C, 48149C0445C, 48149C0300C, 48149C0350C, 48149C0125C, 48149C0025C, 48149C0100C, 48149C0525C, 48149C0210C, 48149C0455C, 48149C0075C, 48149C0240C, 48149C0465C, 48149C0410C, 48149C0050C, 48149C0245C, 48149C0500C, 48149C0235C, 48149C0475C, 48149C0405C, 48149C0375C, 48149C0230C, 48149C0205C, 48149C0150C, 48149C0550C, 48149C0325C, 48149C0025C, 48149C0100C, 48149C0525C, 48149C0210C, 48149C0455C, 48149C0075C, 48149C0240C, 48149C0465C, 48149C0410C, 48149C0435C, 48149C0050C, 48149C0245C, 48149C0575C, 48149C0600C,

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Are Formal Compliance Steps or Mitigation Required?</p>	<p><b>Compliance Determinations</b></p>
		<p>48149C0225C, 48149C0270C, 48149C0450C, 48149C0275C, 48149C0175C, 48149C0575C, 48149C0600C, 48149C0225C, 48149C0270C, 48149C0450C, 48149C0275C, 48149C0175C, 48149C0200C, 48149C0265C, 48149C0425C, 48149C0400C, 48149C0445C, 48149C0300C, 48149C0350C, 48149C0125C, 48149C0235C, 48149C0475C, and 48149C0435C (All Effective October 17, 2006)</p> <p>Fayette County’s Buyout Program purpose is to buyout applicants that are located within the floodplain or floodway and move them out of harm’s way.</p> <p>Under <i>24 CFR part 55.12</i>: Inapplicability of <i>24 CFR part 55</i> to certain categories of proposed actions. Its states under section (c) This part shall not apply to the following categories of proposed HUD actions. (3) <i>The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetlands property, but only if:</i></p> <p>(i) <i>The property is cleared of all existing structures and related improvements</i></p> <p>(ii) <i>The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and</i></p> <p>(iii) <i>A permanent covenant or comparable restriction is places on the property’s continued use to preserve the floodplain or wetland from future development.</i></p> <p>The final use deed restriction must be recorded in perpetuity at closing and will be added to the Site- Specific when available.</p> <p>The HUD 8-step decision-making process will not be conducted, as this project is exempt under <i>24 CFR 55.12 (c)(3)</i>. The County will</p>



<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Are Formal Compliance Steps or Mitigation Required?</p>	<p><b>Compliance Determinations</b></p>
		<p>have to adhere to all three of the requirements in 55.12 (c)(3).                       Cleared sites will become land dedicated for permanent use for flood control, wetland protection, recreation space, or open space; and a permanent covenant or comparable restriction is placed on the property to protect it from future development.</p>
<p><b>Historic Preservation</b>                       National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No  <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance will be achieved at the site specific level.                       Fayette County contains numerous properties listed on the National Register of Historic Places and many State Antiquities Landmarks (<b>Attachment 10</b>). There are also numerous known and potential unknown archeological sites that are not displayed in <b>Attachment 10</b> to protect their location.                       While no construction of homes will take place, structures will be demolished once Buyout Program properties are purchased from residents. The historic significance of those structures that are over 45 years old or located in districts over 45 years old will be evaluated at the site specific level. If site inspections or demolition activities inadvertently uncover archeological or historical evidence, work will be stopped to allow coordination with the Texas Historical Commission (THC) and area Tribal Nations for any further activities. These, and additional compliance steps, follow a programmatic agreement between the GLO and the State Historic Preservation Office (SHPO), executed October 9, 2018 included in <b>Attachment 10</b>.                       If required, Fayette County will initiate Consultation at the site specific level with the SHPO. Additionally, if requested, Fayette County will also initiate consultation with Federally recognized tribes.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Are Formal Compliance Steps or Mitigation Required?</p>	<p><b>Compliance Determinations</b></p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No  <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Compliance achieved in the Broad Level Review.</p> <p>No homes will be constructed under the Buyout Program. There may be a temporary increase in noise levels during demolition activities, but these will be mitigated by complying with any local noise ordinances and ensuring all demolition equipment has been properly maintained prior to activities. Additionally, any action that occurs under a disaster recovery program is not required to adhere to HUD noise abatement and control guidelines (24 CFR 51.101(a) (3)). The HUD Noise worksheet is included as <b>Attachment 11</b>.</p>
<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes    No  <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Compliance achieved in the Broad Level Review.</p> <p>There are no Sole Source Aquifers in Fayette County (<b>Attachment 12</b>). All eligible Buyout Program properties will be on a public water supply or Private well. Demolition activities will not impact public water supplies.</p>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes    No  <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>Compliance will be achieved at the site specific level.</p> <p>According to the USFWS National Wetlands Inventory, there are wetlands present across Fayette County (<b>Attachment 13</b>). Buyout Program eligible properties are residential homes that may have wetlands present on site or in adjacent areas. Due to the potential for demolition activities to impact these wetlands, the completion of an 8-step decision making process may be required at the Site Specific Level.</p> <p>Construction debris from the demolition of structures will be properly disposed of and stormwater BMPs will be implemented to mitigate any potential impacts to area wetlands.</p>

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Are Formal Compliance Steps or Mitigation Required?</p>	<p><b>Compliance Determinations</b></p>
		<p>Consultation with the U.S. Army Corps of Engineers will be initiated by Fayette County at the Site Specific Level in the event that wetlands may be present on a Buyout Program property.</p>
<p><b>Wild and Scenic Rivers</b>  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Compliance achieved in the Broad Level Review  There are no designated Wild and Scenic Rivers in Fayette County (<b>Attachment 14</b>).</p>
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b>  Executive Order 12898</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Compliance achieved in the Broad Level Review.  The Buyout Program would provide residents an opportunity to relocate from flood prone areas to safer, more stable housing. Homes acquired by municipalities under this program will be converted to open space or recreational area, providing improved stormwater drainage to the surrounding area and protecting the health and welfare of all residents. The proposed program also has a goal to provide 70 percent of funds to low and moderate income households. The proposed program is in compliance with E.O. 12898. The funding helps to prevent future impact from flooding and to preserve human health through buying applicants' homes and land and converting them into recreational or open space  Demographic information from the US EPA Environmental Justice Map tool is provided as <b>Attachment 15</b>.</p>

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the

necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.

**Impact Codes:** Use an impact code from the following list 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
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The Buyout Program would provide funding to Fayette County to purchase homes from residents in flood prone areas, allowing them to move to safer, more stable housing. Structures will be demolished and the areas converted to recreational or open space, allowing for public use while removing a potential flood hazard. The land use will conform to the surrounding area and would not have an urbanizing effect.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	1	One of the goals of the Buyout Program is to use acquired properties to improve the drainage of the surrounding area. Structures would be removed and the sites would be converted to open space or stormwater detention features. This would provide an improvement in erosion and stormwater runoff.
Hazards and Nuisances including Site Safety and Noise	3	There are no permanent impacts anticipated. Each Buyout Program site will be assessed at the site specific level and there may be temporary impacts to noise levels once demolition activities take place. All contractors will be required to adhere to local noise ordinances and equipment will be properly maintained. No activities will take place outside normal daylight working hours.
Energy Consumption	2	There are no impacts anticipated. This program is a financial assistance program that will not construct homes. There would be no additional strain on energy networks.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		

Employment and Income Patterns	2	There is no anticipated impact. The Buyout Program will provide residents an opportunity to move out of flood prone areas and into more stable housing. The funds provided would help to ease any financial strain caused by Hurricane Harvey.
Demographic Character Changes, Displacement	2	No impacts are anticipated. The proposed program is entirely voluntary and would offer residents the opportunity to move out of flood prone areas into more stable housing. The areas within the floodplain would lose residents, but 70 percent of the funding will go to low and moderate income households. No residents would be involuntarily displaced.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	No impacts anticipated. The Buyout Program will allow residents in frequently flooded areas the opportunity to move to more stable housing. No educational or cultural facilities will be impacted.
Commercial Facilities	2	No impact anticipated. The Buyout Program is only applicable to residential properties.
Health Care and Social Services	2	No impact anticipated. This program will move residents from frequently flooded areas. There would be no additional strain on health care or social services in the area.
Solid Waste Disposal / Recycling	3	Once Buyout Program sites are acquired, there will be debris from the demolition of structures on site. Applicants and contractors will be required to properly sort and remove hazardous materials like lead-based paint and asbestos containing materials, and dispose of all waste in permitted landfill sites. All waste removal must be done in accordance with applicable federal, state, and/or local regulations.
Waste Water / Sanitary Sewers	1	Minor beneficial impacts are anticipated. The proposed program will give residents the opportunity to sell their homes in flood prone areas. Structures on sites will be demolished and homes will not be replaced. The sites will be used to create open space and improve the overall stormwater flow of the area. There would be no additional strain to sanitary systems. Properties in more rural areas may contain septic tanks. Prior to demolition activities these tanks would be properly decommissioned in accordance with County Health Department standards.
Water Supply	2	No impacts anticipated. The Buyout Program will not add any housing and will remove homes from flood prone areas.

		There would be no impacts to public water supplies or private wells.
Public Safety - Police, Fire and Emergency Medical	2	No impact anticipated. The proposed program will not add housing and will not place a strain on emergency services. Structures on Buyout Program sites must be removed within 45 days of site acquisition as to not pose a safety or fire risk.
Parks, Open Space and Recreation	1	Minor beneficial impacts anticipated. The proposed program will increase the open spaces in Fayette County and allow for improved stormwater drainage and recreational open spaces.
Transportation and Accessibility	2	No impacts anticipated. The proposed program will not add housing to the acquired sites and will not change the accessibility of the areas or place a strain on transportation.

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	1	<p>According to HUD, Unique Natural Features are primarily geological features which are unique in the sense that their occurrence is infrequent or they are of special social, cultural, economic, educational, aesthetic, or scientific value. The proposed program will apply only to residential sites and would not impact any Unique Natural Features.</p> <p>The Buyout Program may have minor impacts to water resources that would be documented at the site specific level. However, the program would allow for more infiltration of rainwater and natural stormwater treatment, beneficially impacting the surrounding area. Grant conditions will require all applicants and contractors to perform all prescribed mitigation actions to protect wetlands, waters of the U.S., Coastal Zones, and floodplains. BMPs will be established during demolition activities to protect waters from erosion and sedimentation and contractors will adhere to all local and county regulations.</p>
Vegetation, Wildlife	1	While demolition activities may temporarily impact vegetation and wildlife at the individual Buyout Program sites, there will be a beneficial impact once activities are completed. Homes that were once in floodplain areas will be removed and the lots converted to open space, providing additional habitat and allowing vegetation and wildlife to return. Individual sites will be evaluated during the Site Specific Review.

**Additional Studies Performed:**

No additional studies were performed for this Environmental Broad Review.

**Field Inspection:** Field Inspections where warranted will be completed at the Site-Specific Level and included in the Environmental Review Record Checklist produced for each Buyout Program application site.

**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:** See **Attachments 1-14.**

**List of Permits Obtained:** All necessary permits will be obtained at the site-specific level.

**Public Outreach [24 CFR 50.23 & 58.43]:** This Environmental Broad Review document will be posted for public comment upon completion and approval by the GLO.

### **Cumulative Impact Analysis**

The federal Council on Environmental Quality's regulations implementing procedural provisions of NEPA are set forth in 40 CFR 1508.7. They require federal agencies to consider the environmental consequences of their actions, including not only direct and indirect effects, but also cumulative effects. Cumulative impacts result from incremental consequences of program actions when added to other past, present, and reasonably foreseeable future actions (24 CFR 58.32).

Cumulative effects for this program are generally indiscernible when viewed at the broader county level. Fayette County has designed the Buyout Program to identify environmental conditions at both the site-specific and county levels so that there will be no significant lasting changes to the existing environment. The program is focused on purchasing properties in flood prone areas at fair market value to convert them to parks, open space, or stormwater detention or overflow features. In many cases this would provide a number of positive cumulative impacts to the surrounding environment. Floodplains would return to open space, allowing wildlife and vegetation to flourish while providing valuable park land and stormwater management facilities to area residents. To alleviate any cumulative socioeconomic impacts, relocation assistance, housing incentives, and public services are also included in the program with the majority of funds (70 percent) directed towards low to moderate income families. Relocation and housing incentives will be covered under a separate environmental assessment.

While no homes are being constructed or improved under this program, there would be the acquisition of residential property and the demolition of related structures. All issues that could cause environmental concerns will be identified and mitigated through appropriate agency consultation. If mitigation is not possible then they will not be eligible for buyout funds.

### **Program Alternatives Analysis**

Fayette County considered the following alternatives to the proposed Buyout Program:

**No Action:** The No Action Alternative means that affected residents would either continue to be displaced from their homes during heavy storms or live in damaged and potentially unsafe housing. The No Action Alternative fails to address the unmet housing needs of low- to moderate-income households in the storm damaged areas. The diminished structural integrity of existing hurricane-damaged homes would put residents at greater risk should another flood event occur, especially for homes that do not meet National Flood Insurance Program (NFIP) elevation requirements. Damaged and abandoned houses would cause potential social issues in low to moderate-income neighborhoods through "blight" and would harm their

attempts to improve financial independence by forcing them to bear interim repair costs and keeping house values lower than if the Buyout Program was enacted.

**Requiring Other Flood Protection Measures:** Fayette County considered requiring other flood protection measures instead of purchasing impacted properties and converting their use to one that would blend with the existing floodplain. Effective flood protection infrastructure would include items such as seawalls or levees around the affected communities at risk of flooding. Constructing this type of flood protection would be very cost-prohibitive, take many years to complete and would fail to improve current unsafe and unsanitary housing conditions. Therefore, this alternative was rejected.

**Summary of Findings and Conclusions:** Under this environmental assessment of the Buyout Program, no significant changes to existing environmental conditions will result in relation to the following impact categories implemented by HUD in response to the National Environmental Policy Act (NEPA) of 1969:

- Airport Hazards
- Coastal Barrier Resources
- Flood Insurance
- Clean Air
- Explosive and Flammable Hazards
- Farmlands Protection
- Floodplain Management
- Coastal Zone Management
- Noise Abatement and Control
- Sole Source Aquifers
- Wild and Scenic Rivers
- Environmental Justice

The following subject areas require site-specific analysis before the environmental review can be concluded as causing no significant impacts to the environment:

- Contamination and Toxic Substances
- Endangered Species
- Historic Preservation
- Wetlands Protection

For these subject areas the site-specific checklists and strategies included in **Appendix B** must be completed, prior to any funding being provided for the requested construction activities.

#### **Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

This section presents mitigation measures adopted by Fayette County to reduce, avoid, or eliminate adverse environmental impacts and to avoid noncompliance or nonconformance with the above-listed authorities and factors. These general measures/conditions, along with site-specific conditions identified during implementation of the site-specific strategy (**Appendix B**), will be incorporated by Fayette County environmental staff into project contracts, development agreements, and other relevant documents.

#### **General Environmental Grant Conditions**



1. Acquire all required federal, state, and local permits prior to commencement of property acquisition and demolition activities and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the NEPA.
3. Final use Deed restriction must be recorded in perpetuity at closing and will need to be added to the site specific when available.

#### **Historic Preservation**

4. If demolition activities uncover significant archaeological deposits (such as Native American pottery, stone tools, bones, or human remains), the applicant agrees to immediately stop all work in that area and inform the Program. Work will not commence again in that area until the Program has conferred with the State Historic Preservation Office (SHPO) and/or Native American Tribes and informed the applicant that work can re-commence.

#### **Migratory Species**

5. If demolition activities will be required and clearing of potential migratory bird habitat will occur within 50 feet of the construction site between March 15 and September 15, then a nest survey must be undertaken by a qualified biologist. If nests are identified, then a minimum 50-foot buffer from the work is required until the nest is no longer active. If an active migratory bird nest is incidentally disturbed during clearing, then the contractor shall collect and immediately transport the eggs to a wildlife rehabilitator. Fayette County shall be notified of this action by the contractor so it can be placed into the ERR.

#### **Floodplain Management and Flood Insurance**

6. Land acquired through the Buyout Program will be cleared of all structures and improvements and the parcel will be dedicated for permanent use for flood control, wetland protection, recreation space, or open space. A permanent covenant or comparable restriction will also be placed on the property to protect it from future development.

#### **Wetlands Protection and Water Quality**

7. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.
8. Minimize soil compaction during demolition activities by limiting equipment access to vegetated areas on sites to only where it is necessary to demolish the existing structure.

#### **Noise Quality**

9. Outfit all heavy equipment with operating mufflers.
10. Comply with applicable local noise ordinances.

#### **Air Quality**

11. Use water or chemical dust suppressant in exposed areas to control excessive dust.
12. Cover the load compartments of trucks hauling dust-generating materials.
13. Reduce vehicle speed on non-paved areas and keep paved areas clean.
14. Retrofit older equipment with pollution controls.
15. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
16. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

17. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with all applicable local and county regulations.

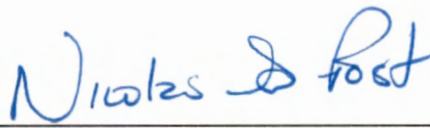
**Hazardous Materials**

18. All activities must comply with applicable federal, state, and/or local laws and regulations regarding asbestos, including but not limited to the following:
- a. National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
  - b. National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
19. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).
20. All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR 35(b) (h) (j) and GLO's Lead-Based Paint Mitigation Policy Standard Operating Procedure.
21. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks.
22. Storage tanks installed below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g) (1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g) (2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: March 4, 2021

Name/Title/Organization: Nicolas G. Post, AICP, Project Manager, Raba-Kistner, Inc.

Certifying Officer Signature:  Date: March 31, 2021

Name/Title: Joseph F. Weber, Fayette County Judge

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).