TEXAS CAPITAL FUND
CONTRACT NO. 729212
MAIN STREET PROJECT
PHASE II

ENVIRONMENTAL REVIEW FILE

- COMPLIANCE DOCUMENTATION CHECKLIST (A301)
- STATUTORY CHECKLIST (A302)
- ENVIRONMENTAL ASSESSMENT CHECKLIST (A303)
- GUIDANCE FOR STATUTORY CHECKLIST – APPENDIX III TEXAS HISTORICAL COMMISSION RESPONSE LETTER
- CERTIFICATION OF EXEMPTION FOR HUD FUNDED PROJECT (A304)
- COMPLIANCE DOCUMENTATION CHECKLIST (A305)
- CERTIFICATION OF CATEGORICAL EXCLUSION (SUBJ. TO 58.5) (A306)
- CERTIFICATION OF CATEGORICAL EXCLUSION (NOT SUBJECT TO 58.5) (A307)
- STATUTORY CHECKLIST (A308)
- REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION (A310)
- NOTIFICATION OF PUBLIC NOTICE SENT TO LOCAL, STATE AND FEDERAL ORGANIZATIONS
- PROJECT DESCRIPTION SHEET (A314)
- PROJECT AREA MAP
- NOTICE OF FINDING OF CATEGORICAL EXCLUSION AND INTENT TO REQUEST RELEASE OF FUNDS (A316)

Compliance Documentation Checklist A301
24 CFR 58.6

PROJECT NAME / DESCRIPTION: Texas Capital Fund, Contract No. 729212/Main Street Project

Level of Environmental Review Determination: Categorically Excluded subject to statues per 58.35(a)
Select One: (1) Exempt per 24 CFR 58.34, or (2) Categorically Excluded not subject to statutes per § 58.35(b), or (3) Categorically Excluded subject to statutes per § 58.35(a), or (4) Environmental Assessment per § 58.36, or (5) EIS per 40 CFR 1500

STATUTES and REGULATIONS listed at 24 CFR 58.6

FLOOD DISASTER PROTECTION ACT
1. Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard?

☒ No; Cite Source Document: FEMA MAP
☐ Yes; Source Document: _____

2. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☒ Yes (Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file). (**Appendix I**)
☐ No **(Federal assistance may not be used in the Special Flood Hazards Area).**

COASTAL BARRIERS RESOURCES ACT
1. Is the project located in a coastal barrier resource area?

☒ No; Cite Source Documentation:
(This element is completed).
☐ Yes - **Federal assistance may not be used in such an area.**

AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES
1. Does the project involve the sale or acquisition of existing property within a Civil Airport's Runway Clear Zone or a Military Installation's Clear Zone?

☒ No; Source Documentation: _____
Project complies with 24 CFR 51.303(a)(3).
☐ Yes; **Disclosure statement must be provided** to buyer and a copy of the signed disclosure must be maintained in this Environmental Review Record **(Appendix II)**

Prepared by (name and title, please print): MARY JO FILIP, MAIN STREET PROGRAM DIRECTOR

Signature: Mary Jo Filip
Date: 12/2/11

STATUTORY CHECKLIST A302

For Projects Requiring a Full Environmental Assessment

24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

Project Name: Texas Capital Fund, Contract No. 729212/Main Street Project

Project Description (Include purpose, need, and all actions which are either geographically or functionally related):
Installation of handicap compliant sidewalks
Location: 100 Blk and 200 Blk E., W. Gonzales and E., W. Mountain

This project is determined to be categorically excluded according to: [Cite section(s)]_____

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	N/A	Consultation, Review, Permits Required	Consistency Determination	Condition, Mitigation	Compliance Documentation **Appendix III** (all fields must be completed)
Historic Preservation [36 CFR Part 800]	N/A				
Floodplain Management [24 CFR 55, Executive Order 11988]	N/A				FIRM Map Panel # 48187C0280F effective 11-2-07
Wetland Protection [Executive Order 11990]	N/A				
Coastal Zone Management Coastal Zone Management Act [Sections 307(c), (d)]	N/A				
Sole Source Aquifers Safe Drinking Water Act (42 USC 201, 300(f) & 21 U.S.C. 349) [40 CFR 149]	N/A				
Fish and Wildlife Endangered Species Act [50 CFR 402]	N/A				
Wild and Scenic Rivers Wild and Scenic Rivers Act [Sections 7(b), and (c)]	N/A				
Clean Air Clean Air Act [Sections 176(c), (d), and 40 CFR 6, 51, 93]	N/A				
Farmland Protection Farmland Protection Policy Act [7 CFR 658]	N/A				

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	N/A	Consultation, Review, Permits Required	Consistency Determination	Condition, Mitigation	Compliance Documentation **Appendix III** (all fields must be completed)
Environmental Justice [Executive Order 12898]	N/A				
Water Quality	N/A				
State/Local Statutes	N/A				
HUD ENVIRONMENTAL STANDARDS					
Noise Abatement and Control [24 CFR 51B]	N/A				
Explosive and Flammable Operations [24 CFR 51C]	N/A				
Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)]	N/A				
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]	N/A				
Solid Waste Disposal	N/A				

PREPARER SIGNATURE: Mary Jo Filip DATE: 12-21-11

PREPARER NAME: Mary Jo Filip, Main Street Program Director

RESPONSIBLE ENTITY AGENCY

OFFICIAL SIGNATURE: Betty Ann Matthies DATE: 12-21-11

NAME, TITLE: Betty Ann Matthies, Mayor

Environmental Assessment Checklist A303

Project Name and Identification No. Texas Capital Fund Contract No. 729212/Main Street Project

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES
	NONE	MINOR	MAJOR		
Land Development					
Conformance with Comprehensive Plans and Zoning	X				
Compatibility and Urban Impact	X				
Slope	X				
Erosion	X				
Soil Suitability	X				
Hazards and Nuisances Including Site Safety	X				
Energy Consumption	X				
Noise					
Effects of Ambient Noise on Project and Contribution to Community Noise Levels	X				
Air Quality					
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	X				
Environmental Design, Historic Values and Urban Impact					
Visual Quality Coherence, Diversity, Compatible Use and Scale	X				
Historic, Cultural and Archaeological Resources	X				Texas Historical Commission letter 10-14-09 No Adverse Effect with Conditions

Environmental Assessment Checklist

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES
	NONE	MINOR	MAJOR		
Socioeconomic					
Demographic Character Changes	X				
Displacement	X				
Employment and Income Patterns	X				
Community Facilities and Services.					
Educational Facilities	X				
Commercial Facilities	X				
Health Care	X				
Social Services	X				
Solid Waste	X				
Waste Water	X				
Storm Water	X				
Water Supply	X				
Public Safety Police	X				
Fire	X				
Emergency Medical	X				
Open Space and Recreation Open Space	X				
Recreation	X				
Cultural Facilities	X				
Transportation	X				

Environmental Assessment Checklist

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES
	NONE	MINOR	MAJOR		
Natural Features					
Water Resources	X				
Surface Water	X				
Floodplains	X				
Wetlands	X				
Coastal Zone	X				
Unique Natural Features and Agricultural Lands	X				
Vegetation and Wildlife	X				

Summary of Environmental Conditions

Project area has been excavated on numerous occasions over the past 100 years and is located downtown in the urban center of Seguin.

Summary of Environmental Conditions

Summary Supporting Decision
Identify the major reasons for the decision of "Categorical Exclusion". These are to be included in the public notice. (See below for "sample" reasons).

1. **There will be no negative impacts on the environment as a result of an activity or project undertaken with TCDP funds.**

2. **Some increase in noice, dust or other nuisance levels may occur during construction, rehabilitation, reconstruction and/or demolition; however, such disturbances will be temporary and will cease on the completion of the activities that cause them.**

3. **None of the activities to be undertaken will affect any known local, state, or national historic, architectural or archaeological resource presently listed, or potentially eligible for listing, in the National Register of Historic Places or in any state or local registry. Section 106 Review has been completed and No Adverse Effect determination has been received from the Texas Historical Commission with recommendations incorporated into plans.**

4. **None of the activities or projects to be undertaken will affect or be affected by the 100-year flood plain.**

5. **No effect is expected on protected or endangered wildlife or vegetation.**

Prepared by: Mary Jo Filip Date: 12-21-11

Name/Title: Main Street Program Director

Environmental Liaison and Review Officer: Jose "Joe" Ramos

Name/Title: City Engineer

Environmental Assessment Checklist

Alternatives

Determine and describe possible alternatives to the proposed project, including the 'no action' alternative. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficiently to indicate that an adequate consideration of each alternative has occurred.

Summary of Existing Conditions and Future Trends

Additional Studies Performed (Attach Study or Summary)

Mitigation Measures Needed:

Appendix III

Guidance for Statutory Checklist

For Projects Requiring a Full Environmental Assessment

A. Are all the project's activities exempt under 58.34(a)(1)-(11)(Form A304) and/or Categorically Excluded (CE) from NEPA procedures under 58.35(b) (Form A307)? ☒ Yes ☐ No.

If "Yes" attach supporting documentation including citations to applicable subsection of 58.34(a)(1)-(11) or 58.35(b) and complete Other Requirements Checklist (58.6). Sign and date certification and keep in the project ERR. Remaining portions of the Checklist need not be completed. Do not initiate RROF procedures. Funds may be obligated for this project.

If "No" proceed to question B.

B. Perform all relevant compliance requirement reviews of the Statutory Checklist and complete all columns as appropriate, sign and date form.

1. Is this a 58.35(a) Categorically Excluded (Form A306) Project? ☐ Yes ☐ No.

If "Yes", document by specific reference(s) to Part 58.35(a) how this project qualifies as a 58.35(a) CE project and respond to question B2.

If "No" then go to question C.

2. Does the project trigger a 58.5 Compliance Threshold? ☐ Yes ☐ No.

If "Yes" then initiate RROF procedures, beginning with publication/posting of RROF Notice.

If "No"; project may be reclassified as exempt under 58.34(a)(12); do not initiate RROF procedures, and funds may be obligated after signing and dating this form and completing Compliance Documentation Checklist.

C. If <u>No</u> to B (1), then this project requires an Environmental Assessment (EA)

Fill out the Environmental Assessment Checklist and document all determinations as necessary and appropriate. Sign and date.

Even if an EA has already been completed, 24 CFR Part 58, Subpart H procedures, beginning with publication/posting of FONSI/RROF Notice, cannot be initiated until all 58.5 and 58.6 determinations and compliance processes have been completed. Some CE projects may require an EA or an EIS because of their environmental effect.

COMPLIANCE THRESHOLDS

<u>Historic Properties</u> <u>(including archeology)</u>:

A) The Responsible Entity and State Historical Preservation Office agree that there are No Historic Properties Affected per 36 CFR 800.4, no adverse effects on historic properties per §800.5(b), or SHPO has not objected within 30 days to such <u>fully documented</u> determinations.

B) The proposal has an adverse effect on historic properties. Consult with SHPO et al., per §800.5 et seq., to resolve or mitigate adverse effects.

* The National Historic Preservation Act of 1966 (16 U.S.C. 470f *et seq.*): as amended: particularly section 106 (16 U.S.C. 470f): except as provided in ' 58.17 of this part for section 17 projects.
* Executive Order 11593. Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 *et seq.*): particularly section 2(c).
* The Reservoir Salvage Act of 1960 (16 U.S.C. 469 *et seq.*) particularly section 3 (16 U.S.C. 469a-1): as amended
* The Archeological Historic Preservation Act of 1974.

October 14, 2009

Mary Jo Filip
Main Street Program Director
P.O. Box 591
Seguin, TX 78156

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966, Camp & Donegon Street Sidewalks, Seguin, Guadalupe County HUD/106 (THC Track #201001554)*

Dear Ms. Filip:

Thank you for your correspondence dated September 21, 2009 and your responses to our email request for more information describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Kim Barker, has completed its review of the project documentation provided. The project area consists of the 100-block of S. Camp Street and the south side of the 200-block of W. Donegon Street. Part of the project area is within the National Register-listed Seguin Commercial Historic District. It is our understanding that the proposed work will consist of sidewalk construction to meet accessibility standards as well as the installation of pavers, tree plantings, and reproduction light fixtures.

As noted in our previous correspondence of 2003 and 2005 regarding this multi-phased project, we rarely recommend the installation of pavers, tree plantings and light fixtures in applications and designs that are not historically accurate. However, we previously allowed the installation of these features with certain conditions. Based on this documentation, our staff has determined that the project will have no adverse effect on the above-referenced property if the following conditions are met:

- New trees must be the same species and scale of those planted in the 2003 *Phase I Sidewalk Improvements* project.
- New pavers should be the same color, size and shape of the pavers placed in *Phase I.*
- New lights should be identical to those implemented in *Phase I.*
- Building protection notes should be inserted into the construction documents to prevent damage to historic materials from work during the construction process.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Kim Barker at 512/463-8952.**

Sincerely,

Kim Barker, Project Reviewer
for: Mark Wolfe, State Historic Preservation Officer

cc: John Gesick, Chair, Guadalupe County Historical Commission

MW/KAB

Certification of Exemption for HUD funded projects

Determination of activities listed at 24 CFR 58.34(a)
May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: **City of Seguin** Project Name: **Texas Capital Fund, Contract No. 729212/Main Street Project**

Project Description (Include all actions which are either geographically or functionally related):
Installation of handicap compliant ramps

Location: **100-Blk and 200 Blk- E, W. Gonzales and E., W. Mountain**

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Funding Amount: **$150,000** Grant Number: **729212**

I hereby certify that the abovementioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:

	1. Environmental & other studies, resource identification & the development of plans & strategies;
	2. Information and financial services;
	3. Administrative and management activities;
	4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
	5. Inspections and testing of properties for hazards or defects;
	6. Purchase of insurance;
	7. Purchase of tools;
	8. Engineering or design costs;
	9. Technical assistance and training;
	10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
	11. Payment of principal and interest on loans made or obligations guaranteed by HUD;
X	12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5.

If your project falls into any of the above categories, no Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is exempt and meets the conditions specified for such exemption under section 24 CFR 58.34(a). Please keep a copy of this determination in your project files.

Betty Ann Matthies

Betty Ann Matthies, Mayor

12-21-11

Date

24 CFR 58.34(a) - ERR Document **12/05 HUD Region VI**

A305

Compliance Documentation Checklist
24 CFR 58.6

PROJECT NAME / DESCRIPTION: Texas Capital Fund, Contract No. 729212/Main Street Project

Level of Environmental Review Determination: Categorically Excluded subject to statutes per 58.35 (a)

Select One: (1) Exempt per 24 CFR 58.34, or (2) Categorically Excluded not subject to statutes per § 58.35(b), or (3) Categorically Excluded subject to statutes per § 58.35(a), or (4) Environmental Assessment per § 58.36, or (5) EIS per 40 CFR 1500

STATUTES and REGULATIONS listed at 24 CFR 58.6

FLOOD DISASTER PROTECTION ACT

1. Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard?

☒ No; Cite Source Document: _____

☐ Yes; Source Document: _____

2. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☒ Yes (Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file). **(Appendix I)**

☐ No **(Federal assistance may not be used in the Special Flood Hazards Area).**

COASTAL BARRIERS RESOURCES ACT

1. Is the project located in a coastal barrier resource area?

☒ No; Cite Source Documentation: _____

(This element is completed).

☐ Yes - **Federal assistance may not be used in such an area.**

AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

1. Does the project involve the sale or acquisition of existing property within a Civil Airport's Runway Clear Zone or a Military Installation's Clear Zone?

☒ No; Source Documentation: _____

Project complies with 24 CFR 51.303(a)(3).

☐ Yes; **Disclosure statement must be provided** to buyer and a copy of the signed disclosure must be maintained in this Environmental Review Record **(Appendix II)**

Prepared by (name and title, please print): Mary Jo Filip, Main Street Program Director

Signature: Mary Jo Filip

Date: 12-21-11

A306

Certification of Categorical Exclusion (subject to 58.5)

Determination of activities listed at 24 CFR 58.35(a)
May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: City of Seguin Project Name: Texas Capital Fund, Contract No. 729212/Main Street Project

Project Description (Include all actions which are either geographically or functionally related):
Installation of handicap compliant sidewalks

Location: **100-block and 200-block E., W. Gonzales and E., W. Mountain**

Funding Source: Other: Texas Capital Fund Main Street
Funding Amount: $150,000 Grant Number: 729212

I hereby certify that the abovementioned project has been reviewed and determined to be a Categorically Excluded activity (subject to 58.5) per 24 CFR 58.35(a) as follows:

X	1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);
X	2. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
	3. Rehabilitation of buildings and improvements when the following conditions are met: i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland; ii. In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation. iii. In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
	4. (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. (iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).
	5. Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
	6. Combinations of the above activities.

The responsible entity must also complete and attach a **Statutory Checklist**. By signing below the Responsible Entity certifies in writing that each activity or project is Categorically Excluded (subject to 58.5) and meets the conditions specified for such exemption under section 24 CFR 58.35(a). Please keep a copy of this determination in your project files.

Betty Ann Matthies
Responsible Entity Certifying Official Name

Mayor
Title (please print)

Betty Ann Matthies
Responsible Entity Certifying Official Signature

12-21-11
Date

A307

Certification of Categorical Exclusion (not subject to 58.5)

Determination of activities listed at 24 CFR 58.35(b)

May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: City of Seguin Project Name: Texas Capital Fund, Contract No. 729212/Main Street Project

Project Description (Include all actions which are either geographically or functionally related):
Installation of handicap compliant sidewalks

Location: 100-block and 200-block E., W. Gonzales and E., W. Mountain
Funding Source: Other: Texas Capital Fund Main Street
Funding Amount: $150,000 Grant Number: 729212

I hereby certify that the abovementioned project has been reviewed and determined to be a Categorically Excluded activity (not subject to 58.5) per 24 CFR 58.35(b) as follows:

	1. Tenant-based rental assistance;
	2. Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
	3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
	4. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
	5. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.
	6. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
	7. Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under Sec. 58.47.

If your project falls into any of the above categories, **no** Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is Categorically Excluded (not subject to 58.5) and meets the conditions specified for such determination per section 24 CFR 58.35(b). Please keep a copy of this determination in your project files.

Betty Ann Matthies, Mayor
Responsible Entity Certifying Official Name & Title (please print)

Betty Ann Matthies
Responsible Entity Certifying Official Signature

12-21-11
Date

A308

STATUTORY CHECKLIST

For Categorical Excluded Projects Only

24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

Grant Recipient: **City of Seguin** Project Name: **Texas Capital Fund, Contract No. 729212/Main Street Project**

Project Description (Include all actions which are either geographically or functionally related): **Installation of handicap compliant sidewalks**

Location: **100-block and 200-block E., W. Gonzales and E., W. Mountain**

This project is determined to be categorically excluded according to: [Cite section(s)] **58.35(b)**

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	N/A	Consultation, Review, Permits Required	Consistency Determination	Condition, Mitigation	Compliance Documentation
Historic Preservation [36 CFR Part 800]		X			**THC 10-14-09**
Floodplain Management [24 CFR 55, Executive Order 11988]	X				
Wetland Protection [Executive Order 11990]	X				
Coastal Zone Management Act [Sections 307(c), (d)]	X				
Sole Source Aquifers [40 CFR 149], SDWA (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349)	X				
Endangered Species Act [50 CFR 402]	X				
Wild and Scenic Rivers Act [Sections 7(b), and (c)]	X				
Clean Air Act [Sections 176(c), (d), and 40 CFR 6, 51, 93]	X				

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	N/A	Consultation, Review, Permits Required	Consistency Determination	Condition, Mitigation	Compliance Documentation
Farmland Protection Policy Act [7 CFR 658]	X				
Environmental Justice [Executive Order 12898]	X				
HUD ENVIRONMENTAL STANDARDS					
Noise Abatement and Control [24 CFR 51B]	X				
Explosive and Flammable Operations [24 CFR 51C]	X				
Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)]	X				
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]	X				

DETERMINATION:

(X) This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be drawn down** for this (now) EXEMPT project; OR

( ) This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before drawing down funds; OR

( ) The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE: Mary Jo Filip DATE: 12-21-11

PREPARER NAME: **Mary Jo Filip, Main Street Program Director**

RESPONSIBLE ENTITY AGENCY

OFFICIAL SIGNATURE: Betty Ann Matthies DATE: 12-21-11

NAME, TITLE: **Betty Ann Matthies, Mayor**

A310

OMB No. 2506-0087
(exp. 12/31/2007)

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) **Community Development Block Grant Program**	2. HUD/State Identification Number (HUD GRANT NUMBER) **729212**	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) **CFDA No. 14.218, Community Development Block Grant**	5. Name and address of responsible entity **Betty Ann Matthies, Mayor** **City of Seguin** **P.O. Box 591** **Seguin, Texas 78156**	
6. For information about this request, contact (name & phone number) **Mary Jo Filip, 830-401-2448**		
8. HUD or State Agency and office unit to receive request **Texas Department of Rural Affairs** **Attention Environmental Regulatory Officer** **P.O. Box 12877** **Austin, Texas 78711**	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) **Texas Capital Fund, Contract No. 729212, Main Street Project, Installation of handicap compliant sidewalks, Phase II Ramps.**	10. Location (Street address, city, county, State) **100-block and 200-block E., W. Gonzales and E., W. Mountain**

11. Program Activity/Project Description (including grant amount)

Install handicap ramps in existing sidewalks and repair driveways due to construction of ramps in the Downtown Historic District.
Grant amount: $150,000.00

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	**Name & Title of Certifying Officer** **Betty Ann Matthies, Mayor**
X	Date signed

Address of Certifying Officer

City of Seguin, P.O. Box 591, Seguin, Texas 78156

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Name & Title of Authorized Officer
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Office of Planning & Coordination
Enforcement Division
U.S. Environmental Protection Agency, Region VI
1445 Ross Avenue, 6EN-XP
Dallas, Texas 75202-2733

Alamo Area Council of Governments
8700 Tesoro Drive, Suite 700
San Antonio, Texas 78217

Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service
Ecological Services
10711 Burnet Road, Suite 200
Austin, Texas 78758

Elimination of Architectural Barriers
Texas Dept. of Licensing & Regulation
P.O. Box 12157, Capitol Station
Austin, Texas 78711

Mitigation Division
Federal Emergency Management Agency
800 North Loop 288
Denton, Texas 76201

NFIP State Coordinator
Texas Commission on Environmental Quality
(TCEQ) MC 160
P.O. Box 13087
Austin, Texas 78711-3087

Texas Commission on Environmental Quality
Office of Compliance and Enforcement
P.O. Box 13087, MC -205
Austin, Texas 78711-3087

Resource Protection Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

TDOT, Bridge Division
125 E. 11th Street
Austin, Texas 78701-2483

State Conservationist
USDA Natural Resources Conservation Service
101 South Main
Temple, Texas 76501-7682

Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Paul M. Hathorn
U.S. Army Corps of Engineers
P.O. Box 17300, Rm -3A-14C
Forth Worth, Texas 76102-0300

Texas Commission on Environmental Quality
Ken Gathright
Office of Air Quality
P.O. Box 13087
Austin, Texas 78711-3087

U.S.G.S.
Water Resource Division
8027 Exchange Drive
Austin, Texas 78754

Letter/Notice
Mailed on 12-20-11

Zimbra **chopper@seguintexas.gov**

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handicap ramps being installed near your business property in downtown seguin

From : Mary Jo Filip <mjfilip@seguintexas.gov> Wed, Dec 21, 2011 04:55 PM

Subject : handicap ramps being installed near your business property in downtown seguin 1 attachment

To : heritage museum <heritagemuseum@satx.rr.com>, Jim Frost <frost@frostlawoffice.com>, larry lippe <llippe@larrylippe.com>, gloria kinz <gaktricounty@satx.rr.com>, Sherry Nefford-Esse <sesse@seguintexas.gov>, robert raetzsch <raetzsch@aol.com>, american bank <nancy.parker@abtexasna.com>, keith giles <giles.keith@gmail.com>, mel stockton <melstock@hotmail.com>, ken reininger <bttrswrt@flash.net>

Cc : Christy Hopper <chopper@seguintexas.gov>

Attached is information regarding a finding of Categorical Exclusion for the environmental impact that constructing handicap ramps in existing sidewalks planned in the 100- and 200-blocks of E and W Gonzales and E and W Mountain Street. These planned improvements are part of a grant to provide handicap access in our downtown historic district. If approved, the ramps will be constructed in the later spring of 2012. This notification is a requirement of the funding source. Please let me know if you need any further information at this time.

Mary Jo Filip
City of Seguin
Main Street Program Director
PO Box 591
Seguin, TX 78156
PH: 830-401-2448
FAX: 830-401-2358
mainstreet@seguintexas.gov
www.seguintexas.gov

TCF 729212 Environmental Notice Phase II.pdf
71 KB

Seguin Main Street Program
P.O. Box 591
Seguin, Texas 78156
Ph: 830-401-2448 Fax: 830-401-2358
Email: mainstreet@seguintexas.gov

December 20, 2011

To Whom It May Concern:

The City of Seguin Main Street Program received a Texas Capital Fund, Contact No. 729212/Main Street Project from the Texas Department of Agriculture. Per the contract with the Texas Department of Agriculture the City of Seguin is required to send you the attached Public Notice on the Environmental Review Process for the Seguin Sidewalk Improvements to take place in the 100 Blk and 200 Blk E., W. Gonzales and E., W. Mountain here in Seguin, Texas.

Feel free to call me at 830-401-2448 if you have any questions.

Thanks,

Mary Jo Filip

Mary Jo Filip
Main Street Program Director

NOTICE OF FINDING OF CATEGORICAL EXCLUSION AND INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice: 12-20-2012

Name of Responsible Entity: City of Seguin

PO Box 591

Seguin, TX 78155

830-401-2448

On or about Wednesday, January 4, 2012, the City of Seguin will submit a request to the Texas Department of Rural Affairs for the release of Community Development Block Grant funds under Section 104(f) of Title I of the Housing and Community Development Act of 1974 as amended, to undertake a project known as Texas Capital Fund Contract No. 729212, Phase II Ramps for the purpose of providing handicap ramps in sidewalk located in the 100 Blk and 200 Blk of E., W. Gonzales and E., W. Mountain and repair of driveways in that area due to construction in downtown Seguin. The total cost of the project is $234,000 with Texas Capital Fund being in the amount of $150,000.

The City of Seguin has determined that the project will have a Finding of Categorical Exclusion due to extensive previous construction and improvement of existing sidewalks in the area. Therefore an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Municipal Building Annex, Main Street Program Office, 211 N. River Street, at the Seguin Public Library, 707 E. College Street, and may be examined or copied weekdays, 8 a.m. to 5 p.m., and on the City web site at www.seguintexas.gov, select the Main Street.

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Main Street Program Office at the above address. All comments received by Tuesday, January 3, 2012 will be considered by the City of Seguin prior to authorizing submission of a request for release of funds. Commentators should specify which part of this Notice they are addressing.

The City of Seguin certifies to the Texas Department of Rural Affairs that Betty Ann Matthies in her capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Department's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Seguin to use Program funds.

The Texas Department of Rural Affairs will consider objections to its release of funds and the City of Seguin's certification received by Wednesday, January 18, 2012 or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the City of Seguin approved by the Department; (b) the City of Seguin has omitted a step or failed to make a decision or finding

required by HUD regulations at 24 CFR Part 58.35 (a) ; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the Department; or (d) another Federal agency acting pursuant to 40 CFR 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the Texas Department of Rural Affairs, PO Box 12877, Austin, TX 78711. Potential objections should contact the Department to verify the actual last day of the objection period.

Betty Ann Matthies, Mayor, City of Seguin

Project Description Sheet A314

Grant Recipient: City of Seguin Date Submitted: 12-22-11
Chief Elected Official: Betty Ann Matthies, Mayor
TCDP Contract No: 729212
Project Name: Seguin Sidewalk Improvements
Project Narrative:

Description: The Seguin Sidewalk Improvements Project, Phase II Ramps will provide infrastructure activities/improvements in the form of handicap ramp construction in support of the City of Seguin Downtown Historic District Main Street Project Area. The end result will be the construction of handicap ramps in existing sidewalks and the repair of driveways due to construction. Overall, existing slum and blight conditions will be eliminated.

Construction: Construction of the project is set to take approximately two months, once appropriate contracts have been signed. The time frame is April 2012 through June 2012.

Purpose: The purpose of the Phase II Ramps Project is to provide handicap ramps in the 100 block and 200 Blk of E., W. Gonzales and E., W., Mountain Street to meet the requirements of TDLR. It also calls for driveway repair necessary due to the sidewalk construction.

Services/Served: The project area is located in the Downtown Historic District for the City of Seguin and is also included in the National Register of Historic Places, Historic Commercial District. These businesses maintain an entrance in the project area: American Bank of Texas, LTL Enterprises, The Heritage Museum, The Oak, Law Offices of Frost, Kirkendall, Seguin Area Chamber of Commerce, Robert Raetzsch (old USPO) and the Aumont Hotel. Access to all businesses will be maintained during business hours; with most businesses having a second street access entrance that can be used, too. In addition to the businesses and offices located directly in the project area, residents of the City of Seguin will benefit from these improvements as up to 40% have income levels at or below the poverty level and utilize walking as a means of transportation. The improvements are also located in proximity to City Hall and Seguin Area Chamber of Commerce and Tourism Offices and will provide safe access for out-of-town visitors to Seguin.

Relocation: Relocation is not feasible as the area is in the existing Downtown Historic District.

Funding: The project is being funded from the following sources:

Texas Capital Fund	Sidewalk Activities	$142,200
	Lighting Activities	$ 7,800
City of Seguin	Sidewalk Activities	$ 15,000

Lighting Activities	$ 29,000
Engineering	$ 25,000
Administration	$ 15,000

Texas Capital Fund Total:	$150,000
City of Seguin Total:	$84,000
Total combined:	$234,000

Type: All construction is to rehabilitate existing sidewalks.

Project Plans and Studies: Project has been reviewed and approved by the Seguin Main Street and City of Seguin including public hearings as required for the application process and the Request for Release of Funds. Engineering specs for the Phase II Ramps Project have been submitted to the Texas Historical Commission which provided a determination of No Adverse Affect and to TDLR to include as part of the Phase I Project. Opportunities for the public to comment on this project have been made available through public hearings at City Council meetings and meet open records requirements, as well as being advertised as required by the grant.

Site: The project site will include:

To	From	To	# of Ramps
Austin Street	100 Blk E. Gonzales	200 Blk W. Gonzales	
Austin Street	100 Blk E. Mountain	200 Blk W. Mountain	

All areas are presently in use as a pedestrian walkway although most of the existing infrastructure is unsafe, deteriorated and unsightly and does not offer handicap access.

Surrounding Areas: The rehabilitated sidewalks will provide contiguous accessible connection that will serve the entire community, especially the lower income and predominantly minority population of the north and west side of Seguin as well as students from Texas Lutheran University.

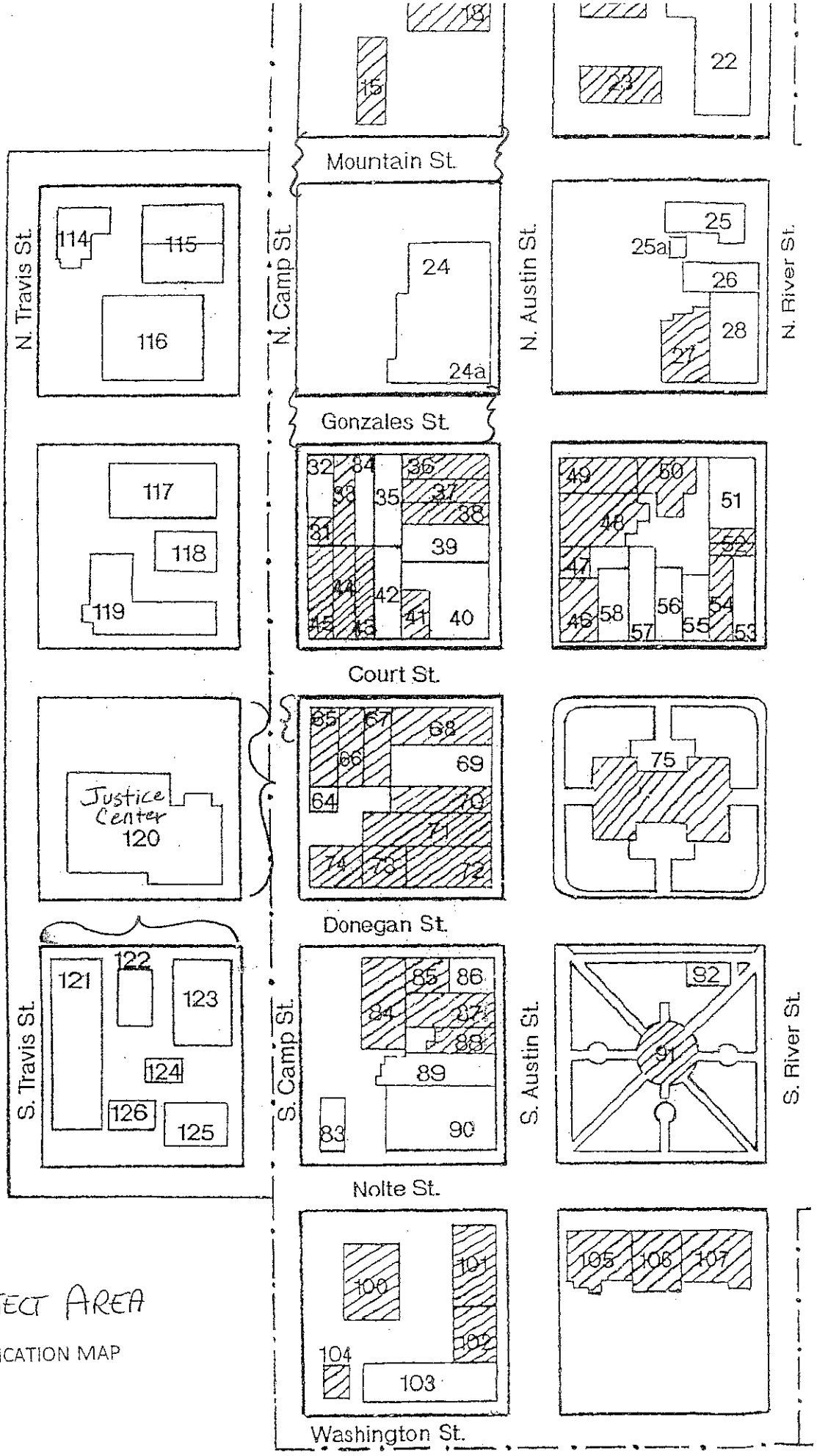
COMPARISON WITH APPLICABLE PLANS

	Project is in Compliance		
	Yes	No (Explain)	N.A.
Factor			
Local Comprehensive Plans Including Land Use and Growth Management Elements	X		
Area and Regional Plans	X		

Local Zoning Ordinances X

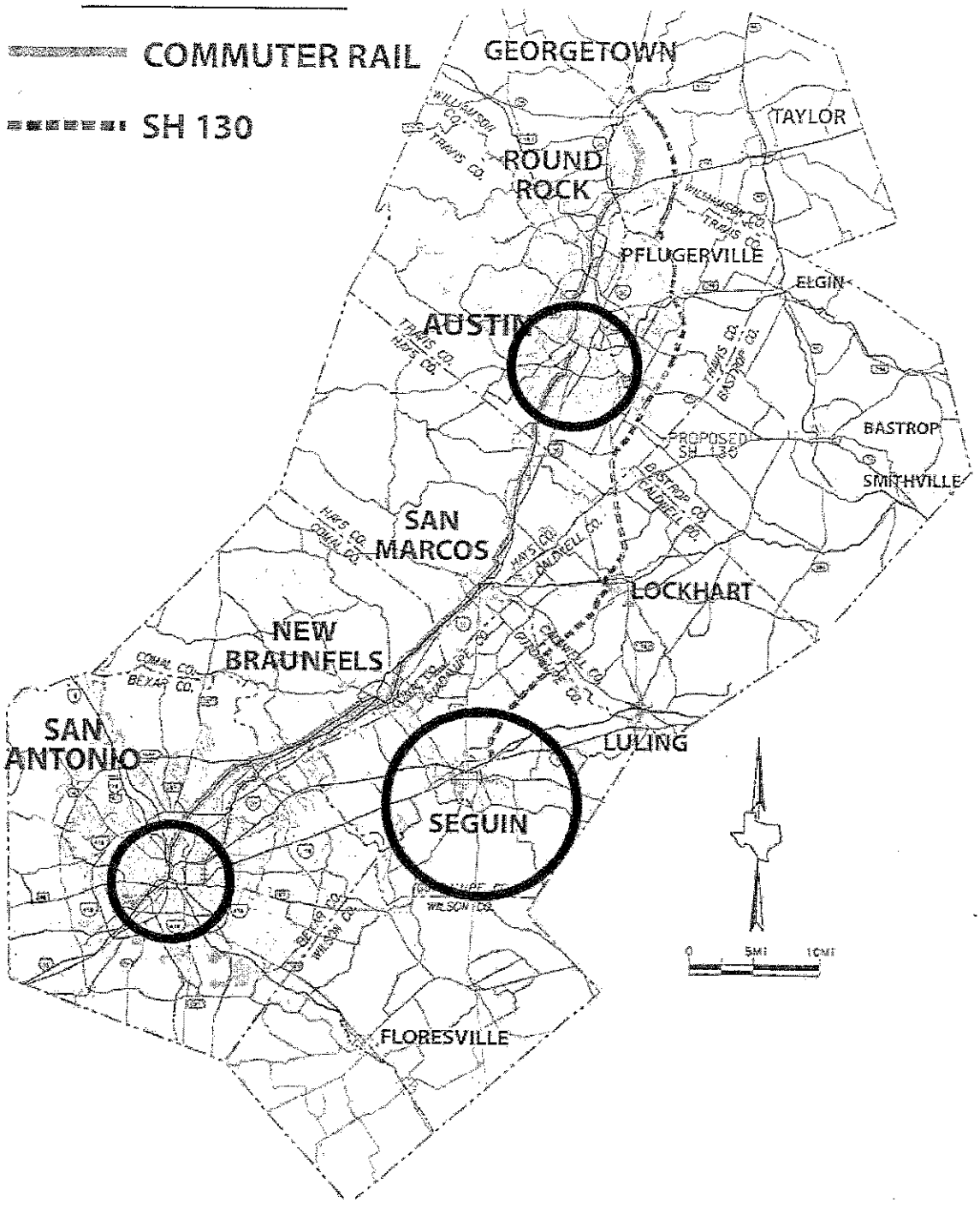
Using the TCDP Implementation Manual the follow Environmental Forms were completed:

Form A304
Form A305
Form A306
Form A308
Form A310
Form A314



PROJECT AREA

PROJECT SITE MAGNIFICATION MAP



Seguin to San Antonio	37 miles -	43 minutes
Seguin to Houston	162 miles -	2 Hours 34 minute
Seguin to Austin	52.6 miles -	1Hour
Seguin to Corpus Christi	172 miles -	2 Hours 38 minutes
Seguin to Laredo	191 miles -	2 Hours 5 minutes
Seguin to Monterrey Mexico		

Zimbra chopper@seguintexas.gov

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Re: City of Seguin TCF 729212 Public Notice

From : Christy Hopper <chopper@seguintexas.gov> Tue, Dec 20, 2011 03:29 PM
Subject : Re: City of Seguin TCF 729212 Public Notice
To : Teri Cevallos <teri.cevallos@seguingazette.com>

Notice looks great.

Thanks,

Christy Hopper
City of Seguin
Main Street Program
Phone: 830-401-2475
Fax: 830-401-2358

From: "Teri Cevallos" <teri.cevallos@seguingazette.com>
To: "Christy Hopper" <chopper@seguintexas.gov>
Sent: Tuesday, December 20, 2011 2:47:20 PM
Subject: Re: City of Seguin TCF 729212 Public Notice

Please proof the ad and let me know if OK. Cost to run Friday Dec 23 is $226.00.

On Dec 20, 2011, at 11:30 AM, Christy Hopper wrote:

Teri,

The attached Public Notice needs to be placed in the Gazette on Friday, December 23, 2011. Please let me know if I need to forward to anyone else. Once a proof is complete please forward for approval along with the cost of the ad.

Thanks,

Christy Hopper
City of Seguin
Main Street Program
Phone: 830-401-2475
Fax: 830-401-2358

<Phase II Public Notice of Finding No Categorical Exclusion and Intent to Request Release of Funds 12-20-11.doc>

NOTICE OF FINDING OF CATEGORICAL EXCLUSION AND INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice: 12-20-2012

Name of Responsible Entity:

City of Seguin
PO Box 591
Seguin, TX 78155
830-401-2448

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(NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Municipal Building Annex, Main Street Program Office, 211 N. River Street, at the Seguin Public Library, 707 E. College Street, and may be examined or copied weekdays, 8 a.m. to 5 p.m., and on the City web site at www.seguintexas.gov, select the Main Street.

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The Texas Depart-

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Betty Ann Matthies,
Mayor, City of Seguin