

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO
REQUEST RELEASE OF FUNDS**

July 3, 2017

City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4th Floor
Houston, TX 77007
(832) 394-6183

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about **Wednesday, July 19, 2017** City of Houston's Housing and Community Development Department will submit a request to the U.S. Department of Housing and Urban Development for the release of the following funds:

Section 420 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 ([Pub. L. 114-113](#), approved December 18, 2015) (Appropriations Act) makes available \$300 million in Community Development Block Grant (CDBG) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2015, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 ([42 U.S.C. 5121](#) et seq.), related to the consequences of Hurricane Joaquin and adjacent storm systems, Hurricane Patricia, and other flood events.

The City of Houston's Housing and Community Development Department (HCDD) submitted an Action Plan for Disaster Recovery—2015 Flood Events (Plan) to HUD on September 19, 2016 and updated November 17, 2016. The Federal Department of Housing and Urban Development (HUD) awarded on December 7, 2016 to the City of Houston \$66,560,000 in federal funds associated with disasters declared on May 29, 2015 (DR-4223) and on November 25, 2015 (DR-4245).

The funds being used for this project are part of the Action Plan described above, and are authorized by the laws identified in the first paragraph describing said funds. They are Community Development Block Grant Disaster Recovery (CDBG-DR) funds, and they will be used to undertake a project known as:

Project Title: Voluntary Buyout Program-Braeburn Glen

Location: Approximately 21.980095 Acres in Braeburn Glen Neighborhood, Houston, Harris County, Texas 77074. Streets include Valley View, Mahoning, Kinard, Braeburn Glen, and Nairn.

Purpose of project: The District will perform voluntary property buyouts to eligible owner applicants, including the purchase of structures in the floodplain, the demolition and/or removal of the structures, and maintaining the use of the property as an open green space. In addition, relocation supplements are provided to owners and tenants to assist in relocating them into comparable homes in a non-hazard-prone area (outside the floodplain). Purchasing these homes removes the threat to

lives and property and reduces government expenditures associated with flood disasters. Voluntary buyout areas are located in three neighborhoods:

- Braeburn Glen
- Glenburnie & Cashiola
- Langwood

This notice covers the Braeburn Glen neighborhood project.

The proposed project's accomplishments include: 1) Relocating families to higher ground out of harm's way; 2) Eliminating future flood damages and health and safety risks for owners and rescuers; 3) Reducing repetitive subsidized flood insurance payments and federal disaster assistance; 4) Restoring floodplain to its natural and beneficial function for stormwater storage; 5) Creating open space with the potential for community amenities (i.e. detention, parks, gardens, playing fields, etc....)

All activities for which funding is requested will support the cost estimate for the purchase price of each property, closing cost, appraisal fee, demolition cost, moving and relocation supplements. The estimated purchase price is 1.2% of Harris County Appraisal District (HCAD) market value. Closing costs are estimated at 1.5% of the estimated purchase cost. Appraisal costs for single family residential properties are currently set for Harris County Right of Way Division contracted appraisers at \$750 per property. Demolition costs are estimated at \$8,000 per property based on past historical average costs. Moving costs are estimated at \$2,500 per property based on past historical average costs. Supplement amounts are estimated for each property based on owner/tenant occupancy as identified within the ownership records of the Harris County Appraisal District. Tenant occupancy relocation supplement costs are estimated at \$7,200 per property. Owner occupancy relocation supplement costs are estimated at \$31,000 per property. Using Housing of Last Resort, owner occupants and tenant occupants will have one year to occupy a replacement dwelling under the voluntary property buyout program and an additional 6 months to file a claim(s) for reimbursement of eligible costs. Once an agreement for the replacement dwelling has been fully executed, payment will be issued. Any additional costs will be covered by the District.

The entirety of the proposed project site lies within the boundaries of the 100-year floodplain. Of the total estimated 21.980095 acres, approximately 6.695116 acres lie within the floodway and approximately 15.284979 acres lie within the 100-year floodplain. Nevertheless, this project falls into the exception found at 24 CFR 55.12(c)(3) which states that the project is exempt from the 8-step process that requires justification based on consideration of alternative sites since it entails:

“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 wetland property, but only if: i) The property is cleared of all existing structures and related improvements; ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.” Please note that this exception includes floodways in the definition of floodplain, since their natural values are being cleared and restored.

The office of the Property Acquisition Department (PAD) Manager for the Harris County Flood Control District (HCFCD) has confirmed that the three-part requirement of 55.12(c)(3) listed above was met. Since this project entails floodplain restoration, it has been determined that this

provision was successfully met and an 8-step was not required.

HCFCFCD's PAD Manager has also confirmed that any and all hazardous materials found within the structures will be properly mitigated and disposed of by the demolition contractor, and if evidence of any contamination was found on-site, HCFCFCD would coordinate with their Environmental Regulatory Compliance Department to ensure proper mitigation. While there is no evidence of Recognized Environmental Conditions (RECs) on site or off site with a potential to adversely impact the subject property (intended future green space), there are plans in place if evidence of any unforeseen condition were discovered at the time of house removal.

Evaluation reports from HCFCFCD, along with EPA and TCEQ records, indicate no signs of properties with potential environmental liabilities (i.e. leaking petroleum storage tanks, dry cleaners, etc.) in the buyout areas.

Office of HCFCFCD Section Chief/Regulatory Compliance Coordinator also confirms that their Watershed Environmental Baseline (WEB) Program, which identifies baseline environmental conditions of the proposed project area, enables the District to do the following: a) Identify those segments of streams that maintain high natural habitat values in order to avoid degradation as part of future flood damage reduction measures; b) Distinguish between floodplain tracts that possess characteristics making them best suited for either regional stormwater detention basins or to leave them alone, preserve them and let them provide areas for floodwater storage, and c) Identify environmentally sensitive areas, areas having other concerns such as contamination or areas that others are working to preserve.

Each proposed project area is reviewed for relevant environmental data, including: 1) Potential regulated and non-regulated wetlands; 2) Cultural resource sites and potential sites; 3) Threatened and endangered species locations and sensitive/unique habitats; 4) Hazardous and toxic materials sites; 5) Pipelines, oil and gas well locations; 6) Stream habitat quality assessment, and 7) FEMA floodplains.

HCFCFCD Section Chief/Regulatory Compliance Coordinator has confirmed that the preliminary environmental evaluation reports for the three buyout areas did not identify any potential environmental concerns and since the land will be used for floodplain preservation no further environmental due diligence is recommended prior to property acquisition at this time.

Any and all required mitigation for lead paint, asbestos, or other substances discovered and handled by the demolition contractor must follow all applicable federal, state, and local requirements. Any mitigation through HCFCFCD's Environmental Regulatory Compliance Department for any undiscovered and unforeseen conditions must also follow all applicable federal, state, and local requirements.

Grant No. & Amount: B-16-MH-48-0001.....\$6,000,000.00 (of total \$10,660,000.00)

\$10,660,000.00 is the total HUD funding for the full strategic buyout for all three (3) neighborhoods: \$6,000,000 for Braeburn Glen; \$1,800,000.00 for Langwood; \$2,860,000.00 for Glenburnie & Cashiola.

FINDING OF NO SIGNIFICANT IMPACT

The City of Houston has determined that the project will have no significant impact on the human environment. 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 above address and is available for public examination or copying weekdays 8 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 601 Sawyer, 4th Floor, Houston, Texas 77007. All comments received by the close of business on **Tuesday, July 18, 2017** will be considered by the City of Houston prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Houston certifies to HUD that Sylvester Turner, in his 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. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Houston to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Houston certification received by the close of business on **Thursday, August 3, 2017** 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 Houston approved by HUD; (b) the City of Houston, as Responsible Entity, has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (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 HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 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: U.S. Department of Housing and Urban Development, 1301 Fannin Street, Suite 2200, Houston, Texas 77002. Potential objectors should contact HUD to verify the actual last day of the objection period.

Sylvester Turner, Mayor
City of Houston