

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

March 1, 2016
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 Thursday, March 17, 2016, the 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:

Community Development Block Grant (CDBG) funds authorized by Title I of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended), to undertake a project known as, to undertake a project known as:

Project Title: Pro-Vision--Land Acquisition/New Construction of Public Facilities on Several Parcels of Land

Location: 4590 Wilmington St. (HCAD #1280150010001 & 1280150010002) /0 Wenda Rd (#0470860000065) which comprise the existing Pro-Vision school property, plus 3 tracts of land to be acquired: Gillies Tract (0 Wilmington, #0441340000004), Laguna Tract (4354 Wilmington, #0470860000061), and PEF Tract (4320 Wilmington St., #0470860000041, 0 Wilmington, #0470860000155, and 0 Wilmington, #0470860000156). The properties to be acquired are contiguous with 4590 Wilmington Street/0 Wenda, and all of the properties are located within the Sunnyside Super Neighborhood. The Laguna and PEF Tract together comprise an approximately 21 acre parcel of land located to the adjacent west of the existing school, and the Gillies Tract is located to the adjacent east of the school and is approximately 5 acres.

Purpose of project: Specific items to be constructed as part of this federal project are an approximately 30,000 square foot gymnasium which will be used to serve up to 400 low-to-moderate income families annually, a detention pond, and additional parking. The land described above will also be acquired for the purpose of this development. The scope of work will cover any and all needed demolition/removal of existing abandoned structures necessary to carry out the aforementioned development.

The subject property (the existing school and all of the land to be acquired) does not have any Recognized Environmental Conditions (RECs) and/or Vapor Encroachment Conditions (VECs), that are foreseen to adversely impact the subject property. Testing at the subject property nevertheless indicated that groundwater has been impacted by contamination (appearing to be due to a now abandoned warehouse that once operated on the far northwestern corner of the 21 acre site, and off-site commercial trucking sources for the approximately 5 acre site), but due to the notable depth of the groundwater (EPA

standard is 6 feet for vapor risk, and there were shown to be at least 22 feet of clean soil—including subsurface clay 10 ft. underground—on the approx. 21 acre site, and 18 feet clean soil with subsurface clay 8 feet underground), and the nature of the work to be done, any impacted groundwater is not foreseen to have adverse impacts on work to be performed at the subject property. Additionally, the work to be performed as part of this federal project will be located at least approximately 250 feet from the warehouse. In the unlikely event that groundwater is encountered in the course of construction, all construction activities will need to cease and groundwater testing and any necessary delineation performed, and if testing indicates impacted groundwater, the TCEQ and HUD will need to be contacted in order to determine proper mitigation and remedies. The City of Houston provides water to new developments as a standard matter of policy, and the City water is not groundwater. Nevertheless, measures that prohibit use of groundwater will be required as a condition of the contract, and an environmental attorney will be retained in the preparation of the contract as recommended by the consultant.

Development of the detention pond (and any proposed future work at the subject property) will need to avoid the small portion near the southwestern corner of PEF property/21 acre parcel that is in the 100-year floodplain and follow all requirements of 24 CFR 55.12(c)(7) in ensuring that this land remains undeveloped and in its natural state.

All soils meet TCEQ Tier 2 Protective Concentration Levels (PCLs) and hence have no RECs. Nevertheless, any and all applicable federal, state, and local requirements for soil removal and disposal, including those of the TCEQ, will need to be followed.

These requirements will apply to the development of the proposed gym, the parking, and the detention pond to be federally funded, and to any items to be developed, work to be done, or any structures demolished/removed, at the subject property in the future.

Penalties for failing to follow the aforementioned requirements include but are not limited to the possible payback of federal funds.

Grant No. & Amount: B-15-MC-48-0018.....\$2,800,000.00

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 Wednesday, March 16, 2016, 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 Friday, April 1, 2016, 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