

July 13, 2009

Cheryl S. Beatty, City Administrator
City of Clay Center, Kansas
P.O. Box 117
Clay Center, KS 67432

RE: Environmental Review – Home Rehabilitations, Clay Center, KS
Community Development Block Grant Application

Dear Ms. Beatty:

The Kansas Geological Survey (KGS) has received your letter dated June 26, 2009, asking us to review the above referenced project. In general, the project involves rehabilitation of approximately 20 homes in Clay Center.

A review of regional geologic information and project information provided by the City of Clay Center indicates that there are no unduly adverse geologic conditions that should affect this project. Site-specific conditions should be considered prior to construction.

This letter is an assessment based on the regional geologic conditions available at the KGS and cannot be used in substitute of a detailed site characterization. Other geologic conditions, not discussed herein, or for which the KGS has no knowledge, may affect the viability of the project. It is the responsibility of the applicant to provide any necessary characterization, geotechnical or environmental testing, or design by a licensed professional geologist or engineer to complete the project.

If you have any questions please feel free to contact me at (785) 864-2099.

Sincerely,



Robert S. Sawin
Geologist

Enclosures

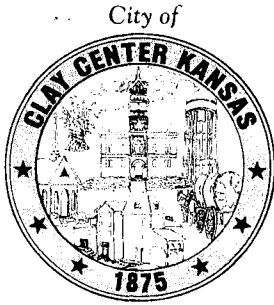
cc: Dan Suchy, KGS Data Resources Library

HP 3180 Fax

Fax Log for
Kansas Geological Survey
17858645317
Jul 13 2009 3:56p

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Jul 13	03:56p	Fax Sent	817856323943	0:24	1	OK



City of
427 COURT, P.O. BOX 117 • CLAY CENTER, KANSAS 67432
Phone: [785] 632-5454 • Fax: [785] 632-3943 • www.cityofclaycenter.com

"The City Beautiful"

Date: June 26, 2009

To: 
Debbie Douglas
KS Geological Survey
1930 Constant Ave.
Lawrence, KS 66047-3726

From: Cheryl S. Beatty, City Administrator 

RE: Environmental Review for CDBG-R Grant Application
Request for Letter of Clearance – Finding of No Impact

Enclosed please find the forms completed for an Environmental Regulatory Review, which summarizes our project for the application submitted. Please complete your review as soon as possible. This Recovery Act grant application is due July 24th and tight deadlines have been given to us to meet.

Please FAX your Letter of Clearance as soon as possible to 785-632-3943, attention Cheryl Beatty.

Quick review of our project:

City of Clay Center wishes to rehabilitate 20 homes for seniors and disabled citizens. There will be no water or sewer lines involved in these projects. No toxic substances will be used and we foresee no contamination will take place. Should any discovery of contamination or asbestos be found, all applicable state and federal regulations shall be followed. Any materials removed during a housing construction rehabilitation project shall be disposed to a certified landfill or an authorized hazardous material disposal site (i.e. asphalt shingles). Federal funds will not be used to rehabilitate homes within a flood zone and there are no rivers within the city limits. There are no wetlands or farmland within the city limits. No explosives or flammable materials will be used in the project. Air quality and noise control requirements shall be adhered to at a home site, if needed during rehabilitation. No endangered species or wildlife should be involved within city limits as per endanger species list for Clay County, Kansas. There are no residential homes on the historic registry within city of Clay Center and all regulations within 500' of Courthouse and Library shall be subject to historic review process. Executive Order 128998 shall be followed. There will be no demolition or purchase of property with this grant.

The application is for rehabilitation of homes for limited clientele to bring to livable standards and provide energy efficiency.

Kansas Department of Commerce
Community Development Block Grant (CDBG) Program
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354

DETERMINATION OF LEVEL OF REVIEW

ENVIRONMENTAL REVIEW RECORD (ERR)

Grantee Name & Project Number: _____ Clay Center Housing Rehabilitation

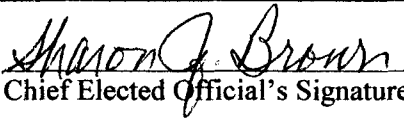
Project Location: _____ City Limits of Clay Center

Project Description: _____ Housing Rehabilitation of 20 homes for limited clientele within city limits of Clay Center. Project will be basic housing upgrades to rehabilitate a home to livable standards and provide energy efficiency.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- ☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)(____)
- ☐ Categorical Exclusion NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(____)
- ☒ Categorical Exclusion SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(____)
- ☐ An Environmental Assessment (EA) is required to be performed.
- ☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Sharon J. Brown, Mayor Chief Elected Official (print name/title) June 28, 2009 Date	 Chief Elected Official's Signature
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STATUTORY CHECKLIST

Use this worksheet only for projects that are Categorically Excluded under 24 CFR §58.35(a).

PROJECT NAME: Clay Center Housing Rehabilitation Project

ERR FILE # _____ (optional)

An "ERR Determination" form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, determine whether project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information provides documentation project compliance has been achieved, or (3) an additional compliance action is required. The compliance action may include such items as obtaining a license or permit from a state, federal, or local agency, on-going oversight by a government agency, or completion of a remediation or mitigation measure.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Publicly available documents may be incorporated by reference into the ERR, provided that each source document is clearly identified and the document available for review by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD or state guidance for more information.

Statute, Authority, Executive

Order, Regulation or Policy

cited at 24 CFR §58.5	Compliance Documentation
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	All NAAQS regulations shall be followed for indoor and outdoor air quality.
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	Clay Center is .75m away from nearest housing and is not within flight direction of airport. There is no city residents with 250' airport obstruction clear zone - therefore NO impact.
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. February 2005. (http://www.noaa.gov/ocean/ocrm/region7.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	No contaminant or toxic substance shall be used in housing rehabilitation. If such substances are found they would be disposed of by state and federal rules to certified landfill or haz-mat site.
5. Endangered Species [50 CFR 402]	See attached list within Clay County. No impact within city limits to endanger species within Clay County.

6. Environmental Justice [Executive Order 12898]	No property purchase, demolition or relocation projects with this grant application.
7. Explosive and Flammable Operations [24 CFR 51C]	No explosive or flammable operation is associated with this project.
8. Farmland Protection [7 CFR 658]	No farmland within the city limits.
9. Floodplain Management [24 CFR 55, Executive Order 11988]	No federal dollars will be spent on housing within city flood plain or floodway.
10. Historic Preservation [36 CFR 800]	No residential homes listed on historic registry within Clay Center. Two buildings on registry and if within 500' of these builings we would seek SHPO review.
11. Noise Control [24 CFR 51B]	Noise levels sustained would be that of basic household construction. No significant noise levels or for sustained length of time.
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	No water or soil disturbed for house rehabilitation. Therefore, no impact.
13. Wetland Protection [24 CFR 55, Executive Order 11990]	No wetlands within city limits.
14. Wild and Scenic Rivers [36 CFR 297]	No wild or scenic rivers within city limits.

DETERMINATION (check one):

- ☐ **COMPLIANCE IS MET.** The project is in compliance with the aforementioned authorities and regulations, as documented above.
- ☒ **ACTION REQUIRED.** The project will be compliant with the aforementioned authorities and regulations, provided further action is taken. The action is a condition of the environmental review and is described below. (An additional compliance action may include obtaining a license or permit from a state, federal, or local agency, or completing a certain remediation or mitigation measure.)

Required Condition(s):

Request for letter of no impact from required agencies.

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

PREPARER SIGNATURE:  DATE: 6-28-19

PREPARER NAME & TITLE: Cheryl S. Beatty, City Administrator



U.S. Department of Housing and Urban Development
Great Plains Regional Office – Region VII
400 State Avenue, Room 200
Kansas City, KS 66101-2406

Appendix E

Categorically Excluded Subject To

PROJECT NAME: _____ Clay Center Housing Rehabilitation Project

ERR FILE #: _____ retain this form in the ERR of the subject project.

REQUIREMENTS listed at 24 CFR 58.6

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION

[24 C.F.R. Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☒ No. Cite or attach Source Document: _____
(Project complies with 24 CFR 51.303(a)(3).)

☐ Yes. **Notice must be provided to buyer.** The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

2. COASTAL BARRIERS RESOURCES ACT

[Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)]

Is the project located in a coastal barrier resource area?

☒ No. Cite or attach Source Document: No CBRA in MO/KS/NE/IA <http://www.fema.gov/nfip/cobra.shtml>
(Proceed with project.)

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

3. FLOOD DISASTER PROTECTION ACT

[Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128)]

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

☐ No. Cite or attach Source Document: _____
(Proceed with project.)

☒ Yes. Cite or attach Source Document: Community # 200053

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.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

☒ No. **Federal assistance may not be used in the Special Flood Hazards Area.**

Sharon J. Brown
Responsible Entity Official: Signature / Name

6-29-09
Date