



Tier II: Site-Specific Environmental Review Checklist

Project Information

Project Name: Tier II DHA Dispersed Housing Transition: 5

Responsible Entity (RE): City and County of Denver

RE Preparer: Victoria Sanderson, City and County of Denver, Department of Housing Stability

Certifying Officer: Michael B. Hancock, Mayor of Denver

Grant Recipient (if different than Responsible Entity): Denver Housing Authority (DHA)

Point of Contact: Ryan Tobin, Director of Real Estate Development

Consultant (if applicable): N/A

Point of Contact: N/A

Project Location: See Appendix A for the parcel list applicable to this Tier II Site-Specific Environment Review Checklist.

Additional Location Information: View Map of all parcels at:

<https://tinyurl.com/DHADispersedHousingTransition2>

Tier I Project Description: The Denver Housing Authority (“DHA”) plans to submit a disposition application to the U.S. Department of Housing and Urban Development (HUD) Special Applications Center (“SAC”) seeking approval, pursuant to Section 18, 24 CFR Part 970 and HUD Public and Indian Housing (PIH) Notice 2018-04, to dispose of 672 units (the “Units”) in the Scattered Site Portfolio to DHA’s affiliated entity, Denver Housing Corporation (“DHC”). Upon SAC approval, DHA will submit application(s) to HUD for replacement Tenant Protection Vouchers (TPVs). DHA plans to project-base the TPVs and will comply with Section 8(o) (13) of the U.S. Housing Act of 1937 (1937 Act or Act) (42 U.S.C. 1437f(o)(13)) and all Project-Based Voucher program requirements. As a condition of the HUD disposition approval, HUD will require that a use restriction be recorded with the land for each Unit. These use restrictions will require that the Units serve people at or below eighty percent (80%) area median income for at least thirty (30) years and that the restriction must survive foreclosure, thus, preserving the units as affordable. Through this process, DHA anticipates generating more operating revenue to further the mission of DHA. Although the location of each of the Units is known, DHA does not have development or modernization plans for specific units; therefore, DHA will continue to manage the properties and provide updates to units through its current process upon turnover. Repositioning the Units to a project-based subsidy will not change residents’ access to existing programs and services. If these programs are no longer available to residents outside of the public housing program, DHA will develop and fund comparable programs. The Tier I: Broad-Level Environmental Review was completed for this undertaking on July 1, 2020. Laws and Authorities addressed by the Tier I include: Airport Hazards (24 CFR Part 1 Subpart D); Coastal Barrier Resources (Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]); Clean Air (Clean Air Act, as amended, particularly section 176(c) & (d)); 40 CFR Parts 6, 51, 93; Coastal Zone Management (Coastal Zone Management Act, sections 307 (c) & (d)); Endangered Species (Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402); Explosive and Flammable Hazard (24 CFR Part 51 Subpart C); Farmlands Protection (Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658); Noise Abatement and Control (Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51, Subpart B; Sole Source Aquifers (Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149); Wetlands Protection (Executive Order 11990, particularly sections 2 and 5); and Wild and Scenic Rivers (Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)).

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Tier II Project Description: The Tier II Site-Specific Environment Review Checklist below will address the remaining laws and authorities not addressed in the Tier I documentation for parcels listed in Appendix A. This includes: Flood Insurance (Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]); Contamination and Toxic Substances (24CFR 50.3(i) & 58.5(i)(2)); Floodplain Management (Executive Order 11988, Section 2(a); 24 CFR Part 55); Historic Preservation (National Historic Preservation Act of 1966, sections 106 and 110; 36 CFR Part 800); and Environmental Justice (Executive Order 12898).

Level of Environmental Review Determination:

This project is Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5.

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies

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
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	See Appendix A for the FIRM Panel Number and Effective Date for each parcel reviewed in this Tier II Site-Specific Environment Review Checklist. There are no properties within this Tier II review located in a FEMA-designated Special Flood Hazard Area (SFHA) (Federal Emergency Management Agency, 2020). While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.

<p>Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The EPA’s Facility Registry Service (FRS) Geospatial data set was downloaded from the EPA’s Geospatial Data Download Service on July 21, 2020 (U.S. Environmental Protection Agency, 2020). The geospatial information contains the location and facility identification information from EPA’s Facility Registry Services (FRS) for all sites that are available in the FRS individual feature layers.¹</p> <p>The State of Colorado Department of Public Health and Environment geospatial dataset of the Superfund National Priorities List was also used to identify the release or threatened release of hazardous substances within the vicinity of the parcels (State of Colorado Department of Public Health and Environment, 2020).</p> <p>Appendix B contains the results of this review as a list of parcels identified within 3,000 feet of a Superfund National Priorities List site or within 3,000 feet of an active Resource Conservation and Recovery Act (RCRA) site. Screening measures undertaken by the City and County of Denver did not show on-site or nearby toxic or hazardous facilities that would pose health and safety risks to project occupants or conflict with the continued intended use of the parcels</p>
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¹ The layers comprise the FRS major program databases, including: Assessment Cleanup and Redevelopment Exchange System (ACRES): brownfields sites; Air Facility System (AFS): stationary sources of air pollution; Air Quality System (AQS): ambient air pollution data from monitoring stations; Bureau of Indian Affairs (BIA): schools data on Indian land; Base Realignment and Closure (BRAC) facilities; Clean Air Markets Division Business System (CAMDBS): market-based air pollution control programs; Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS): hazardous waste sites; Integrated Compliance Information System (ICIS): integrated enforcement and compliance information; National Compliance Database (NCDB): Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA); National Pollutant Discharge Elimination System (NPDES) module of ICIS: NPDES surface water permits; Radiation Information Database (RADINFO): radiation and radioactivity facilities; RACT/BACT/LAER Clearinghouse (RBLC): best available air pollution technology requirements; Resource Conservation and Recovery Act Information System (RCRAInfo): tracks generators, transporters, treaters, storers, and disposers of hazardous waste; Safe Drinking Water Information System (SDWIS): public water systems and water system facilities; Toxic Release Inventory (TRI): certain industries that use, manufacture, treat, or transport more than 650 toxic chemicals; Emission Inventory System (EIS): inventory of large stationary sources and voluntarily-reported smaller sources of air point pollution emitters; Oil database : spill prevention, control, and countermeasure (SPCC) and facility response plan (FRP) subject facilities; Electronic Greenhouse Gas Reporting Tool (E-GGRT): large greenhouse gas emitters; Emissions & Generation Resource Integrated Database (EGRID): power plants. The Facility Registry Service (FRS) identifies and geospatially locates facilities, sites or places subject to environmental regulations or of environmental interest. Using vigorous verification and data management procedures, FRS integrates facility data from EPA's national program systems, other federal agencies, and State and tribal master facility records and provides EPA with a centrally managed, single source of comprehensive and authoritative information on facilities.

		reviewed in this Tier II Site-Specific Environment Review Checklist.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The structures or insurable properties are not located in a FEMA-designated Special Flood Hazard Area (Federal Emergency Management Agency, 2020). The project is in compliance with Executive Order 11988. See Appendix A for the FIRM Panel Number and Effective Date for each parcel reviewed in this Tier II Site-Specific Environment Review Checklist.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The City has determined Stipulation I(1)(c) applies the properties listed in Appendix A. These properties are not eligible for listing in the National Register of Historic Places and are exempt from State Historic Preservation Officer (SHPO) review. Disposition of the properties listed in Appendix A to this Tier II Site-Specific Environment Review will result in no historic properties affected. Refer to the “Supporting Discussion for Programmatic Agreement Report” column in Appendix A and the supporting documentation in Appendix C.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.

Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	A compliance determination was made in the Tier I Broad Level Review.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No adverse environmental impacts are identified in any of the other compliance sections in this Tier II Site-Specific Review. This activity is in compliance with Executive Order 12989.

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

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
N/A	N/A

Determination

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

NOTE: Any change orders to the original description of work must be submitted for further environmental clearance. 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).



City and County of Denver – Responsibility Entity
Environmental Review Signature Page

Preparer Name:	Victoria Sanderson
Preparer Title:	Environmental Officer, City and County of Denver
Preparer Signature:	
Date:	Aug 16, 2021

Agency Official Name:	Debra Bustos
Agency Official Title:	Deputy Director -Housing Opportunity /Dept of Housing Stability
Agency Official Signature:	 <small>Debra Bustos (Aug 16, 2021 17:22 MDT)</small>
Date:	Aug 16, 2021

Certifying Officer signature not required for Exempt or CENST projects.

Certifying Officer Name:	Michael Hancock
Certifying Officer Title:	Mayor of City and County of Denver
Certifying Officer Signature:	
Date:	

References

- Federal Emergency Management Agency. (2020). *National Flood Hazard Layer (NFHL)*. Retrieved from FEMA Flood Map Service Center (MSC): <https://www.fema.gov/national-flood-hazard-layer-nfhl#>
- State of Colorado Department of Public Health and Environment. (2020, April 24). *State of Colorado Department of Public Health and Environment. Superfund, Natural Resource Damages, National Priorities List, Potential candidates for NPL within the State of Colorado*. (S. o. Environment, Compiler) Retrieved July 31, 2020, from <https://geospatialdenver.maps.arcgis.com/home/item.html?id=beed6353aa1f4dbba58ac4178291424e>
- U.S. Environmental Protection Agency. (2020). *Geospatial Data Download Service*. Retrieved July 21, 2020, from <https://www.epa.gov/frs/geospatial-data-download-service>