

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name: City-of-Duvall-NE-142nd-PL-Sidewalks-Construction-ER

HEROS Number: 900000010168722

Responsible Entity (RE): KING COUNTY, 401 Fifth Avenue SEATTLE WA,
98104

RE Preparer: David Mecklenburg

State / Local Identifier:

Certifying Officer Mark Ellerbrook
r:

Grant Recipient (if different than Responsible Entity): City of Duvall

Point of Contact: Larissa Polanco

Consultant (if applicable):

Point of Contact:

Project Location: 28000 NE 142nd Place, Duvall, WA 98019

Additional Location Information:
28000 NE 142nd Place west ending at 275th Avenue.

Direct Comments to:

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The NE 142nd Place Sidewalk Improvement project will address pedestrian safety and accessibility needs from 282nd Place NE then west to 275th Avenue NE. Currently, the roadway is a narrow two lane asphalt paved right-of-way with grass, rock, mud and open ditch shoulders without a safe route for pedestrians. The proposed project will consist of construction of approximately 1800 linear feet of five foot wide concrete sidewalk with ADA ramps connecting and completing a missing link of pedestrian walkway in a residential neighborhood on NE 142nd Place. Construction will include concrete sidewalk, curb, gutter, low impact development (LID) storm improvements, catch basins, asphalt paving, bike lane and landscape. All work will be constructed in the City right-of-way. This project would provide pedestrian and bicycle connections to Big Rock Ballpark, a Metro Bus stop, school bus stop, neighborhood parks and the downtown corridor. City of Duvall will pay for cost of Design which is estimated at \$45,000. CDBG award amount for construction is \$280,000.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The NE 142nd Place Sidewalk improvement project, phase 1, will address pedestrian safety and accessibility needs. The current infrastructure does not provide a safe route for pedestrians and those with disabilities. Vehicles that are parked on the side of the roadway force pedestrians onto the roadway while traveling through the corridor. The proposal will expand the Americans with Disabilities Act (ADA) improvements throughout Duvall and is identified in the City of Duvall's Comprehensive Transportation Improvement Plan (TIP) as an ongoing high priority. The construction and installation of pedestrian facilities along this corridor will provide the necessary ADA improvements that are missing and in addition will allow the connectivity for school routes, local access to the business district and Big Rock Ballpark. With the establishment of this route during Phase 1, users will be connected to existing pedestrian facilities along 282nd place, 278th Avenue NE and Big Rock Road.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The existing conditions include architectural barriers and missing links of a safe pedestrian network. There are no sidewalks. The existing conditions include a narrow two lane asphalt paved right-of-way with grass, rock, mud and open ditch shoulders without a safe route for pedestrians, especially seniors and those with disabilities, or person with young children and strollers. This will continue without construction of the proposed sidewalk improvement.

Maps, photographs, and other documentation of project location and description:

[ProjectSiteLookingWest.pdf](#)

[ProjectSiteLookingSouth.pdf](#)

[ProjectSiteLookingNorth.pdf](#)

[ProjectSiteLookingEast.pdf](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
B21UC530001	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Estimated Total HUD Funded, Assisted or Insured Amount: \$290,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$335,000.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

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 determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(All measurements performed with NEPA Assist) The closest airport to the Project Site is Paine Field in Mukilteo at 27.56 miles. Renton Municipal Airport is next at 29.67. Boeing Field in Seattle is 30.99 miles away. SeaTac International

		Airport is fourth at 36.06 miles away. Insofar as Military Airbases, McChord is closest at just over 46 miles away, but Whidbey NAS actually comes close at 53.56 miles. Therefore, the project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. 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). Lastly, the project is in Zone X per FIRM 53033C0405G. The project is in compliance with Flood Insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See attached NEPA Assist Map. The Project is outside of any non-attainment area. Additionally, the CO attainment area listed is in maintenance, not non-attainment per the legend. The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	As of July 22, 2020, Washington State Department of Ecology notified HUD of the following: "Ecology has concluded that it is unnecessary for U.S. Department of Housing and Urban Development (HUD) to continue to send

		<p>project information in order to receive Ecology's concurrence that the funding phase of the project is consistent with Washington's CZMP. Therefore, we are writing to inform you that HUD no longer needs to require applicants to send Ecology letters seeking our concurrence on projects for which HUD plans to release federal funding." Inclusion of the following statement in the Environmental Review Record is strongly encouraged to ensure projects are aware that CZM may still apply at the time of local and/or national permitting. "Concurrence from Dept. of Ecology for Coastal Zone Management is no longer required under a Part 58 or Part 50 Environmental Review in Washington State. However, at the time of project development, the activity may trigger review if it falls under other parts of the CZMA regulations for federal agency activities (Title 15 CFR Part 930, subpart C), or consistency for activities requiring a federal license or permit (Title 15 CFR Part 930, Subpart D) and will be subject to all enforceable policies of the Coastal Zone Management Program. It is during the local permitting process that a project might be subject to CZM and further review by the Dept of Ecology."</p>
<p>Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.</p>
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project will have No Effect on listed species based on a programmatic agreement and checklist provided by HUD Region X Environmental Office for</p>

		<p>Fish and Wildlife Service. A critical species list was obtained from iPAC indicating that there was no critical habitat in the APE. Nor is it likely that, as an already developed site, it will affect any FWS species encountered in King County. The runoff is to be treated, as it already is and the remainder of Table A from the FWS checklist is also compliant with the project. See page 4 of WS_Endangered_Species_Act_2020-Duvall142nd.docx for determination. For NMFS, a Washington State-specific NMFS/HUD Programmatic Agreement Action Plan form was submitted to NOAA describing the project and Low Impact Development components that would allow for stormwater management. The project cannot 100% infiltrate owing to compacted glacial till soil which minimizes the effectiveness of pervious surfaces. On October 5th, NMFS replied with a confirmation that the project met the Programmatic's objectives with the addition of one minor recommendation: "As existing vegetated ditches currently collect road runoff. We recommend that sidewalks and parking be graded to continue to use those ditches to collect and filter stormwater runoff to the maximum extent possible before contributing that stormwater to the filter/cartridge treatment system." The City has agreed. The above will be part of the design/construction documents. With both the USFWS and NMFS determinations, the Project is in compliance with the Endangered Species Act.</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance</p>

		with explosive and flammable hazard requirements.
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project is in a designated Urbanized Area. While the areas around Duvall contain numerous farms, this project is a focused sidewalk for a residential neighborhood within the city limits and will have no effect on the farmlands adjacent to the Duvall urbanized area. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Per FIRM 53033C0405G this project does not occur in a floodplain. The project is in compliance with Executive Order 11988.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present according to the State Historic Preservation Officer. Tribal comment period expired w/o comments. The project is in compliance with Section 106.</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project will not impact on- or off-site wetlands. Per use of the USFWS Wetland Mapper Service The closest "wetland" is not adjacent to the property and is a mapping error, since the shaded location is a paved street. Other actual wetlands are nearly 1/2 mile away. The project is in compliance with Executive Order 11990.</p>

<p>Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project is downstream and 33.38 miles away from the Middle Fork of the 209 River (Snoqualmie). The project is in a different watershed altogether and is 50.77 miles away from the River 18 Skagit River. (Map is in grayscale to illustrate rivers) This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.</p>
<p>HUD HOUSING ENVIRONMENTAL STANDARDS</p>		
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.</p>

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<p>LAND DEVELOPMENT</p>			
<p>Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design</p>	<p>1</p>	<p>The Project is being designed by the City, which is applying scale and design standards. The actual project site has been chosen since it is noticeable for a lack of connecting sidewalks which are present in the immediate zoning area and locale near the project. This project would be bringing the street functionality up to par with other Right-of-Ways (ROWS) in the area.</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	1	The shoulder area which will be paved is currently used as informal overnight parking for commuters. In the winter this turns into a morass and forces pedestrians into the street. While the underlying soil does have issues with drainage, the storm water plan will take these into effect with LID as described in the ESA portion of the project.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Site generated construction noise will be mitigated through hours of operation. Once the project is complete, there will be no additional noise from the sidewalk.	
Energy Consumption/Energy Efficiency	2	The Project will have no effect on energy efficiency of the area since it is a passive feature	
SOCIOECONOMIC			
Employment and Income Patterns	1	The area is wholly residential. The improvement of the sidewalk will allow commuters to more easily reach the bus stop located on 275th Street.	
Demographic Character Changes / Displacement	1	The project is not changing number of housing units or zoning, since it is only a Right-of-Way (ROW) improvement.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	1	The project is a sidewalk and there are no adjacent Educational and Cultural Facilities. However, the sidewalk does assist students with a safer more effective way of traveling to School and Metro Bus stops.	
Commercial Facilities (Access and Proximity)	2	There are no nearby commercial facilities.	
Health Care / Social Services (Access and Capacity)	2	The project is a sidewalk and does not change density, zoning or use that would affect growth and therefore does not add any capacity that would affect Health Care and Social Services.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	This is neither a residential nor commercial project and will not generate waste in an ongoing manner. Construction debris will be disposed of/recycled in consistency with KC and City Codes in authorized centers	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	There are no issues with waste/sanitary sewer capacity with the project. Stormwater mitigation will be carried out via the Cities LID plan for the site.	
Water Supply (Feasibility and Capacity)	2	The project is passive infrastructure and no water supply is necessary.	
Public Safety - Police, Fire and Emergency Medical	1	One of the current, unauthorized uses of the shoulder on the north side of the street (which will be covered with sidewalk and striped accordingly for lanes) is parking. The result of the sidewalk and street upgrade will be to remove this unauthorized parking. Opening up the ROW in this manner would be of assistance for fire/life safety in accessing 142nd street.	
Parks, Open Space and Recreation (Access and Capacity)	1	The project is a passive infrastructure not adjacent to any parks, open space or recreation areas and would not directly affect them. Indirectly, it may open a safe pedestrian way to parks further in the West of Duvall. None of the parks are in danger of seeing usage overload.	
Transportation and Accessibility (Access and Capacity)	1	The project positively affects transportation, for pedestrians, seniors, disabled persons, along with families using strollers, etc in providing a paved link from the mobile home park to an arterial pedestrian way in Duvall.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	The area is a developed residential zone. There are no unique/Natural Features nearby, nor Water Resources	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		affected by the project's construction or existence.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	Aside from local and invasive weeds in the undeveloped shoulder, there will be no disruption to vegetation/wildlife in the project area.	
Other Factors	2	None	

Supporting documentation

Additional Studies Performed:

Field Inspection [Optional]: Date and completed by:

Alana McCoy

1/7/2021 12:00:00 AM

- [ProjectSiteLookingWest.pdf](#)
- [ProjectSiteLookingSouth.pdf](#)
- [ProjectSiteLookingNorth.pdf](#)
- [ProjectSiteLookingEast.pdf](#)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Alana McCoy, Project manager, City of Duvall Larissa Polanco, Storm Water Engineer City of Duvall National Marine Fisheries Service PACE Engineers

List of Permits Obtained:

Site Permit Review Right of Way Permit (Potential) As the Permitting Agency, the City may choose to waive certain permits for construction that are under its prerogative. There are no other State/Federal permits for this project.

Public Outreach [24 CFR 58.43]:

Prior to Environmental Review, City Staff conducted outreach and information sessions about the project to immediate residents as part of the CDBG National Objective determination (survey). The County, as responsible entity will publish the FONSI in the Seattle Times and take comments for the required 15 days. The

Preliminary ER Record will additionally be available at the King County Community Development Website.

Cumulative Impact Analysis [24 CFR 58.32]:

The incremental cumulative impact would be negligible given the project site is already in a developed area. The City has no plans to rezone this area, nor is there any large scale construction contemplated for it. The project is simply adding sidewalks to increase pedestrian usage between a relatively densely populated mobile home park and City arterials that connect to the rest of the town and transit options. The current right of way area is essentially used as a parking shoulder and is often a morass in Winter. The project would curtail these outcomes.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Since the project site area is already developed, the only real choices are to not do the project. As passive infrastructure, it is not a community facility than can be located somewhere else (such as a park or community building). The City is keenly aware of the environmental advantages of infiltrating all stormwater on site. However, the soils in this particular area are shallow and not conducive to infiltration. This condition is what leads to the current state of affairs where in the shoulder turns into a morass during winter rains. The parking of cars along this strip only worsens the condition and makes the passageway difficult for all pedestrians to use. The area is relatively narrow (see maps), and so there is no room in the right of way for a bioswale or other rain garden system. The city therefore proposed to use biofilter run-off catch basins prior to conveyance to the City's stormwater system. The design team decided it would be better to use LID

No Action Alternative [24 CFR 58.40(e)]

Not doing the project would result in very little environmental change since the right of way is already occupied with parked cars. The shoulder would continue to be a mud-bath in winter and a barrier to pedestrian use.

Summary of Findings and Conclusions:

The project is overall rather small for an Environmental Assessment. However, owing to the increase of impervious surface >0, the level of Determination was set at this level. The project is essentially infilling a sidewalk where there is none in a developed incorporated residential neighborhood. The area itself is already used for street parking which creates muddy problems during winter/rainy months. Addition of LID stormwater pretreatment will most likely improve run off since the subsurface water table is already high. Insofar as human environmental change, it will allow a densely populated Low-Moderate Income population center pedestrian access to bus stops and main arterials into town.

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

Summarized below are 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 or Condition	Comments on Completed Measures	Mitigation Plan	Complete
--	--	---	----------------------------	-----------------

Project Mitigation Plan

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

(All measurements performed with NEPA Assist) The closest airport to the Project Site is Paine Field in Mukilteo at 27.56 miles. Renton Municipal Airport is next at 29.67. Boeing Field in Seattle is 30.99 miles away. SeaTac International Airport is fourth at 36.06 miles away. Insofar as Military Airbases, McChord is closest at just over 46 miles away, but Whidbey NAS actually comes close at 53.56 miles. Therefore, the project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[Duvall-Sidewalks-AirportMeasurements.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

[CoastalBarriers-WA-Not.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

- ✓ No. This project does not require flood insurance or is excepted from flood insurance.

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. 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). Lastly, the project is in Zone X per FIRM 53033C0405G. The project is in compliance with Flood Insurance requirements.

Supporting documentation

[53033C0405G-Annot.pdf](#)

[FEMA Flood Map 2021-01-04_10-58-33.jpg](#)

Are formal compliance steps or mitigation required?

Yes

- ✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

See attached NEPA Assist Map. The Project is outside of any non-attainment area. Additionally, the CO attainment area listed is in maintenance, not non-attainment per the legend. The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

Supporting documentation

[AirPollution-Duvall-Attainment.png](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

- Yes
- No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

- Yes
- No

3. Has this project been determined to be consistent with the State Coastal Management Program?

- Yes, without mitigation

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes, with mitigation

No, project must be canceled.

Screen Summary

Compliance Determination

As of July 22, 2020, Washington State Department of Ecology notified HUD of the following: "Ecology has concluded that it is unnecessary for U.S. Department of Housing and Urban Development (HUD) to continue to send project information in order to receive Ecology's concurrence that the funding phase of the project is consistent with Washington's CZMP. Therefore, we are writing to inform you that HUD no longer needs to require applicants to send Ecology letters seeking our concurrence on projects for which HUD plans to release federal funding." Inclusion of the following statement in the Environmental Review Record is strongly encouraged to ensure projects are aware that CZM may still apply at the time of local and/or national permitting. "Concurrence from Dept. of Ecology for Coastal Zone Management is no longer required under a Part 58 or Part 50 Environmental Review in Washington State. However, at the time of project development, the activity may trigger review if it falls under other parts of the CZMA regulations for federal agency activities (Title 15 CFR Part 930, subpart C), or consistency for activities requiring a federal license or permit (Title 15 CFR Part 930, Subpart D) and will be subject to all enforceable policies of the Coastal Zone Management Program. It is during the local permitting process that a project might be subject to CZM and further review by the Dept of Ecology."

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening

None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

No

Explain:

Searches through EPA and State Ecology sites show no contamination on the project site or adjacent parcels. See Attached Toxics Summary for more details and reports.

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[Toxics Summary.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

- ✓ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Explain your determination:
 See Summary Screen below.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

This project will have No Effect on listed species based on a programmatic agreement and checklist provided by HUD Region X Environmental Office for Fish and Wildlife Service. A critical species list was obtained from iPAC indicating that there was no critical habitat in the APE. Nor is it likely that, as an already developed site, it will

affect any FWS species encountered in King County. The runoff is to be treated, as it already is and the remainder of Table A from the FWS checklist is also compliant with the project. See page 4 of WS_Endangered_Species_Act_2020-Duvall142nd.docx for determination. For NMFS, a Washington State-specific NMFS/HUD Programmatic Agreement Action Plan form was submitted to NOAA describing the project and Low Impact Development components that would allow for stormwater management. The project cannot 100% infiltrate owing to compacted glacial till soil which minimizes the effectiveness of pervious surfaces. On October 5th, NMFS replied with a confirmation that the project met the Programmatic's objectives with the addition of one minor recommendation: "As existing vegetated ditches currently collect road runoff. We recommend that sidewalks and parking be graded to continue to use those ditches to collect and filter stormwater runoff to the maximum extent possible before contributing that stormwater to the filter/cartridge treatment system." The City has agreed. The above will be part of the design/construction documents. With both the USFWS and NMFS determinations, the Project is in compliance with the Endangered Species Act.

Supporting documentation

[Stormfilter Maintenance.pdf](#)
[RE_Duvall 142nd Street Improvements - 2020-00512-3694.pdf](#)
[PR_KingCo_Duvall WCRO-2020-00512-3694 fnl.pdf](#)
[FWS_Endangered_Species_Act_2020-Duvall142nd.docx](#)
[Duvall-Species List_Washington Fish And Wildlife Office.pdf](#)
[Duvall-142ndStreet-SitePlan.pdf](#)
[Duvall142ndStreetSidewalk-NMFS-ActionReportForm.pdf](#)
[1-cartridge CB stormfilter.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Using NEPA Assist Tool, I determined that the Project Site is in an urbanized area. See attachment below.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

The project is in a designated Urbanized Area. While the areas around Duvall contain numerous farms, this project is a focused sidewalk for a residential neighborhood within the city limits and will have no effect on the farmlands adjacent to the Duvall urbanized area. This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

Supporting documentation

[FArmlands-Duvall-UrbanizedArea Map.png](#)

Are formal compliance steps or mitigation required?

Yes

No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[53033C0405G-Annot\(1\).pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Per FIRM 53033C0405G this project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Advisory Council on Historic Preservation Not Required
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
 - ✓ Duwamish Tribe Response Period Elapsed

- ✓ Muckleshoot Tribe Response Period Elapsed
- ✓ Puyallup Tribe Response Period Elapsed
- ✓ Snoqualmie Tribe Response Period Elapsed
- ✓ Stillaguamish Tribe Response Period Elapsed
- ✓ Suquamish Tribe Response Period Elapsed
- ✓ Tulalip Tribe Response Period Elapsed
- ✓ Yakama Nation Response Period Elapsed

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

Tribal Review was conducted via the CPD-12-006 Checklist and the Tribal Directory Assessment Tool was used to locate Tribes with both their Council Chairs and their HPO's contacted. contact was in the form of the Washington State DAHP EZ-1 Form along with project photographs and map.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Step 2 – Identify and Evaluate Historic Properties

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**
 See the APE in the EZ-1 form attached.

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
28000 NE 142nd Place Duvall, WA 98019	Not Eligible	Yes	✓ Not Sensitive

Additional Notes:

Please See Attachment "2021-07-04365_No Historic Properties.pdf" for SHPO determination of no historic properties.

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

Yes

Document and upload surveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

Please See Attachment "2021-07-04365_No Historic Properties.pdf" for SHPO determination of no historic properties and EZ1 FORM-Duvall-142ndStreetSidewalks.pdf for survey and determination.

No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present according to the State Historic Preservation Officer. Tribal comment period expired w/o comments. The project is in compliance with Section 106.

Supporting documentation

[WISAARD-APE-EZ1-Duvall-142ndStreetSidewalks.png](#)
[TribalContacts-7-26-2021.xlsx](#)
[KC-IMAP-APE-EZ1-Duvall-142ndStreetSidewalks\(1\).png](#)
[KC-IMAP-APE-EZ1-Duvall-142ndStreetSidewalks.jpg](#)
[EZ1 FORM-Duvall-142ndStreetSidewalks.pdf](#)
[Duvall-142ndStreet-ProjectSiteLookingSW.jpg](#)
[Duvall-142ndStreet-ProjectSiteLookingEast.jpg](#)
[Duvall142ndStreet-Letter to Tribes Including Duwamish.pdf](#)
[2021-07-04365 No Historic Properties.pdf](#)
[142ndPlaceSitePlanandProfile.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

Supporting documentation

Are formal compliance steps or mitigation required?

City-of-Duvall-NE-142nd-
PL-Sidewalks-
Construction-ER

Duvall, WA

900000010168722

Yes

✓ No

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[SSA65-CrossValleyAquifer-Area-52 FR 18606-Duvall.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. Per use of the USFWS Wetland Mapper Service The closest "wetland" is not adjacent to the property and is a mapping error, since the shaded location is a paved street. Other actual wetlands are nearly 1/2 mile away. The project is in compliance with Executive Order 11990.

Supporting documentation

[CityDuvall-Wetlands-KCIT.png](#)

[Duvall-142ndSidewalks-Wetlands-04.jpg](#)

[Duvall-142ndSidewalks-Wetlands-03.jpg](#)

[Duvall-142ndSidewalks-Wetlands-02.jpg](#)

[Duvall-142ndSidewalks-Wetlands-01.jpg](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

The project is downstream and 33.38 miles away from the Middle Fork of the 209 River (Snoqualmie). The project is in a different watershed altogether and is 50.77 miles away from the River 18 Skagit River. (Map is in grayscale to illustrate rivers)

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[NEPAAssist-Duvall-DistancetoSnoqualmieWSC.jpg](#)

[Duvall-Sidewalks-Distance2skagit-WSR.jpg](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No