

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS
(FONSI and NOI/RROF)

March 29, 2022

Multnomah County

Community Development Block Grant (CDBG) Program

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by Multnomah County.

REQUEST FOR RELEASE OF FUNDS

On or about April 15, 2022 Multnomah County will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of CDBG funds under Community Development Block Grant, Title 1 of the Housing and Community Development (CDBG) Act of 1974, Public Law 93-383, as amended, to undertake the following project:

THE PROJECT

The City of Fairview proposes to do a sidewalk infill on the east side of NE 3rd Street from its intersection with NE Main Street down to NE Harrison Street. Project is estimated to begin July/August 2022 and completed by Fall 2022. CDBG award amount for construction is \$80,000. City of Fairview will pay \$15,000 of their own funds for professional and personnel costs.

FINDING OF NO SIGNIFICANT IMPACT

Multnomah County has determined that these projects 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 Records (ERRs) on file at Multnomah County website: <https://www.multco.us/cdbg>. Copies may be examined by contacting fanny.rodriguez@multco.us.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the projects may submit written comments to Fanny Adams, at fanny.rodriguez@multco.us or by calling (503) 988-7440. **All comments received by April 14, 2022 will be considered by Multnomah County prior to authorizing submission of a request for release of funds.** Commentors should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

Multnomah County certifies to HUD that Peggy Samolinski in her capacity as Director of the Youth and Family Services Division 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 Multnomah County to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

The U.S. Department of Housing & Urban Development will consider objections to its release of funds and Multnomah County's certification for a period of fifteen days following the anticipated submission date or its actual 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 of Multnomah County; (b) Multnomah County 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 development process have committed funds, incurred costs or undertaken activities 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, Sec. 58.76) and shall be addressed to HUD Portland Office of Community Planning and Development at CPD_COVID-19OEE-POR@hud.gov. Potential objectors should contact HUD via email to verify the actual last day of the objection period.

Peggy Samolinski, Director of the Youth and Family Services Division



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

Project Information

Project Name: NE-3rd-St-(Main-Harrison)-Sidewalk-Infill-(City-of-Fairview)

HEROS Number: 900000010240096

Responsible Entity (RE): MULTNOMAH COUNTY, COMMUNITY DEVELOPMENT
PORTLAND OR, 97204

RE Preparer: Fanny Adams

State / Local Identifier: CITY OF FAIRVIEW

Certifying Officer: Peggy Samolinski

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: , Fairview, OR 97024

Additional Location Information:

Intersection locations approximately Longitude: -122.444400 Latitude: 45.525500

Direct Comments to:

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

Sidewalk infill will take place on the east side of NE 3rd Street from its intersection with NE Main Street down to NE Harrison Street. The 700 square feet of five foot wide concrete sidewalk with ADA ramps connecting and completing missing link of pedestrian walkway in a residential neighborhood on NE 3rd Street project is adjacent to Fairview Elementary School and Fairview Community Center, the sidewalks will include pedestrian crossing with four (4) ADA curb ramps along the east side of 3rd Street. This project will directly benefit 595 low and moderate income persons/households. City of Fairview is 63% LMI. The total population of City of Fairview is 10,424 people according to the 2020 Census. There are sidewalks already in place on the west side of the streets. Storm drainage improvements will be made along with the sidewalk installations, it is estimated that approximately 2 new catch basins will be installed and 1 existing catch basin will be adjusted to accommodate the finished street grade. All sidewalks and curbs, driveways and curb ramps will be constructed to meet the current City of Fairview Standard Specifications for Public Construction. City of Fairview (1300 NE Village St, Fairview OR 97024) will be overseeing the project. Project is estimated to begin July/August 2022 and completed by Fall 2022. CDBG award amount for construction is \$80,000. City of Fairview will pay \$15,000 of their own funds for professional and personnel costs.

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

The 700 sq feet project will include a pedestrian crossing with curb ramps down 3rd Street. The current infrastructure does not provide a safe route for pedestrians and those with disabilities. The completed project will provide a safer pedestrian movement between Fairview Elementary School and Fairview Community Center and the adjacent residential neighborhoods. Sidewalks are present on the west side of street, sidewalks infill will be installed on the eastside, currently no sidewalks.

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

Local residents and students who have been utilizing NE 3rd Street, between Main and Harrison have been limited to using only the west side of 3rd Street as there is non-existent pathway on the eastside. This has caused some adults walking their children to school having to cross 3rd street twice in order to travel north and south. Therefore, in the absence of a Community Development Block Grant fund there will be a shortage of necessary supplement to the local funds. The lack of adequate pedestrian facilities in this area will result in compromised safety and continuation of inconvenience to the seniors, disabled citizens and children.

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

[Census Data Track for NE 3rd St \(Main-Harrison\).pdf](#)

[2020 Census Address Count Listing Files Viewer.pdf](#)

[NE 3rd St \(Main-Harrison\).pdf](#)

[City of Fairview Communication Sidewalk Percentage.pdf](#)

[Signage.jpg](#)

[Adjacent to Fairview Elementary School.jpg](#)

[Relocating Drain to Street.jpg](#)

[Non Native Daisy Present.jpg](#)

[3rd St and Cedar St.jpg](#)

[3rd St and Main St.jpg](#)

[Harrison to Main.jpeg](#)

[Install Sidewalks and Ramps.jpeg](#)

[Sidewalk Infill 3rd Street Cedar.jpeg](#)

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
B-20-UC-41-0003	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Estimated Total HUD Funded, \$80,000.00

Assisted or Insured Amount:

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$95,000.00

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	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). 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	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. 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	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The

		project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None in close proximity of project location. 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.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. . A critical species list was obtained from iPAC indicating that the Willamette Daisy is an endangered species of that area, site visits were conducted during spring and summer and the willamette daisy was not present in project area. It is not likely that the project site, will affect any FWS species encountered in Multnomah County. The water runoff will be protected by inlet protection (sediment bags) that will be installed by City of Fairview through the length of the project. City of Fairview did not take any permits for this project as it was on City of Fairview owned road.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<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 is in compliance with explosive and flammable hazard requirements.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See FEMA map. Based on the project description and the maps provided in previous sections, 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). The project is in compliance with Flood Insurance requirements.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. 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>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<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. No new noise sensitive use. Continuation of previous sidewalk improvement projects along this neighborhood area with CDBG funds.</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<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>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project will not impact on- or off-site wetlands. Nearby wetlands are over 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>This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.</p>

HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

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
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The project is in existing neighborhood with sidewalks already in place. The project aligns with the City of Fairview's plan to continue to build sidewalks for neighborhood access and safety.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	1	Water runoff is infiltrated on site. Possible erosion and sediment control measures are addressed by sub recipient City of Fairview for the project site. There are no issues with waste/sanitary sewer capacity with the project.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	There are no known hazards or site nuisances present in the project area.	
Energy Consumption/Energy Efficiency	2	The improvements will not impact energy consumption.	
SOCIOECONOMIC			
Employment and Income Patterns	2	Project by nature does not affect employment or income.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Demographic Character Changes / Displacement	2	Project by nature will not lead to demographic character changes or displacement	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	1	Access and safety to elementary school and community center on this project site will increase after completion.	
Commercial Facilities (Access and Proximity)	2	Does not apply to this project	
Health Care / Social Services (Access and Capacity)	2	Does not apply to this project	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	Does not apply to this project	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Does not apply to this project	
Water Supply (Feasibility and Capacity)	2	Does not apply to this project	
Public Safety - Police, Fire and Emergency Medical	2	Does not apply to this project	
Parks, Open Space and Recreation (Access and Capacity)	1	Access by foot will be increased in this neighborhood by adding sidewalk adjacent to elementary school with public access to a park on weekends and access to community center adjacent to project site.	
Transportation and Accessibility (Access and Capacity)	1	The project will improve the accessibility and pedestrian traffic to elementary school, community center and residential properties by adding a sidewalk and removing the need to walk in the street way.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	This project is not expected to impact water resources or unique natural features.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	3	Another field inspection will be completed in the month the project begins to look for endengared willamette daisy flower.	
Other Factors	2	N/A	

Supporting documentation

Additional Studies Performed:

No additional studies performed.

Field Inspection [Optional]: Date and completed

by:

Fanny Rodriguez-Adams

11/23/2021 12:00:00 AM

[Signage.jpg](#)

[Adjacent to Fairview Elementary School.jpg](#)

[Relocating Drain to Street.jpg](#)

[Non Native Daisy Present.jpg](#)

[3rd St and Cedar St.jpg](#)

[3rd St and Main St.jpg](#)

[Harrison to Main.jpeg](#)

[Install Sidewalks and Ramps.jpeg](#)

[Sidewalk Infill 3rd Street Cedar.jpeg](#)

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

EPA ECHO Facility Report U.S. Fish and Wildlife Service with IPaC Report State Historic Preservation Officer (SHPO) THPO using TDAT report Technical Assistance, Brian Sturdivant, Director Office of Community Planning and Development

[TDAT Contact Info.pdf](#)

[Tribal communication tracking sheet 21-22.docx](#)

List of Permits Obtained:

City of Fairview did not take any permits for this sidewalk installation project as it was on City-owned road. Please see attachment for City of Fairview Liability and Coverage Declarations.

Public Outreach [24 CFR 58.43]:

This project and previous sidewalks installations with CDBG funds were mentioned at the CDBG community needs assessment in November 2021. Multnomah County, as responsible entity will publish the FONSI in the local newspaper that circulates in the general area; Gresham Outlook. In addition to FONSI will also be posted in the MultCo CDBG website and take comments for the required 15 days.

[NE 3rd St \(Main-Harrison\) Liability.pdf](#)

Cumulative Impact Analysis [24 CFR 58.32]:

While the project will entail dust, dirt and noise during project implementation, the activity will have no permanent or significant impact on the environment. The project will provide significant improvement to pedestrian traffic and pedestrian mobility and safety, thereby eliminating potential public safety hazards and protecting lives and property. Creating new sidewalks which connect to existing sidewalks does not cause any new adverse impacts. There are no other projects that are linked to this one creating a cumulative effect.

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

There are no other alternatives to the activity no other location would provide the needed sidewalk improvements in the project area in a less environmentally impactful way. The area around the elementary school is in crucial need for sidewalks and ADA ramps. There are no other funds available to pay for the improvements and the project deferment is not an option since this is a needed public service for the City of Fairview.

No Action Alternative [24 CFR 58.40(e)]

Local residents and students who have been utilizing NE 3rd Street, between Main and Harrison have been limited to using only the west side of NE 3rd Street as there is non-existent pathway on the eastside. This has caused some adults walking their children to school having to cross 3rd street twice in order to travel north and south. Therefore, in the absence of a Community Development Block Grant fund there will be a shortage of necessary supplement to the local funds. The lack of adequate pedestrian facilities in this area will result in compromised public safety and continuation of inconvenience to the seniors, disabled citizens and children traveling to school, community center and their residence.

Summary of Findings and Conclusions:

The project for this environmental review is small compared to other projects, but after receiving technical assistance from Bryan Guiney, Director of Office of Community Planning and Development, serving Oregon and Idaho it was suggested this level of review would be best for the digging disturbance length of this project.

The project is essentially infilling a sidewalk where there is none in a developed incorporated residential neighborhood. The area where the sidewalks are being proposed for installation is already used for street parking which creates muddy problems during winter/rainy months. After this environmental change, the safety would be increased for all residents and students.

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

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

[Military Air National Guard Airport to 3rd and Main St Map.pdf](#)
[Airport Map_Fairview to Portland.pdf](#)
[Airport Map_Fairview to Troutdale.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

[CBRS Mapper.pdf](#)

[Coastal Barrier Resources Map.pdf](#)

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

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

- ✓ No

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). The project is in compliance with Flood Insurance requirements.

Supporting documentation

[Flood Hazard EnviroMapper.pdf](#)

Are formal compliance steps or mitigation required?

NE-3rd-St-(Main-
Harrison)-Sidewalk-Infill-
(City-of-Fairview)

Fairview, OR

900000010240096

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

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

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

Supporting documentation

[Clear Air Act Map.pdf](#)

[Clean Air Ozone EnviroMapper.pdf](#)

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

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

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[CoastalZoneManagement-OR.doc](#)

[Coastal Zone Locator.pdf](#)

[Coastal-Zone-Management-Worksheet.docx](#)

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:

None active found.

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

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: None in close proximity of project location. 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

[Underground Tank Fairview Facility List Page 2.pdf](#)
[Underground Tanks 1000 ft from project site Map.pdf](#)
[Underground Tank Fairview Facility List.pdf](#)
[Site Contamination Map.pdf](#)
[Site Contamination Facility Report.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.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

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

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

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 due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. A critical species list was obtained from iPAC indicating that the Willamette Daisy is

an endangered species of that area, site visits were conducted during spring and summer and the willamette daisy was not present in project area. It is not likely that the project site, will affect any FWS species encountered in Multnomah County. The water runoff will be protected by inlet protection (sediment bags) that will be installed by City of Fairview through the length of the project. City of Fairview did not take any permits for this project as it was on City of Fairview owned road.

Supporting documentation

[Stormwater Management Report.docx](#)

[OregonEndangeredSpeciesActNoEffectChecklist.pdf](#)

[Species List Oregon Fish And Wildlife Office.pdf](#)

[Endangered Species Willamette Daisy.docx](#)

[Endangered species_Fairview 97024.pdf](#)

[Endangered Species_Center for Conservation Biology.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

NE-3rd-St-(Main-
Harrison)-Sidewalk-Infill-
(City-of-Fairview)

Fairview, OR

900000010240096

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:

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

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

[EPA Urbanized Area.pdf](#)

[Non Farmland area_ Google Maps.pdf](#)

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:

[FIRMETTE Flood Hazard.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

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. See FEMA map. Based on the project description and the maps provided in previous sections, 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). The project is in compliance with Flood Insurance requirements.

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" https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

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) Response Period Elapsed
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

✓ Cowlitz Indian Tribe	Response Period Elapsed
✓ Grand Ronde Community of Oregon	Response Period Elapsed
✓ Nez Perce Tribe	Response Period Elapsed
✓ Siletz Indians of Oregon	Response Period Elapsed
✓ Umatilla Indian Reservation	Response Period Elapsed
✓ Warm Springs Reservation of Oregon	Response Period Elapsed

Other Consulting Parties

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

Tribal consultation for this project was selected using the Tribal Directory Assessment Tool (TDAT) report list from, <https://egis.hud.gov/tdat/>

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

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

Yes

No

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:**

NE 3rd Street from its intersection with Main St down to Harrison St. The 700 foot project is adjacent to Fairview Elementary School and Fairview Community Center, the sidewalks will include curb ramps driveways and curbs throughout NE 3rd St from Main St to Harrison St.

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
----------------------------------	-----------------------------	------------------	--------------------------

Additional Notes:

N/A

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

Yes

✓ 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. The project is in compliance with Section 106.

Supporting documentation

[Oregon Checklist_HistoricPreservation.doc](#)

[Siletz_Tribal Consultation Letter.pdf](#)

[Nez Perce Tribe_Tribal Consultation Letter.pdf](#)

[Grand Ronde_Tribal Consultation Letter.pdf](#)

[Cowlitz Indian Tribe_Tribal Consultation Letter.pdf](#)

[Warm Springs_Tribal Consultation Letter.pdf](#)

[Umatilla_Tribal Consultation Letter.pdf](#)

[SHPO Consultation Request_Multnomah County.pdf](#)

[Umatilla Tribe- Notification and Consultation- Fairview OR Sidewalk Installation Project.pdf](#)

[Warm Springs - Notification and Consultation- Fairview OR Sidewalk Installation Project.pdf](#)

[Cowlitz Tribe- Notification and Consultation- Fairview OR Sidewalk Installation Project.pdf](#)

[Grande Ronde- Notification and Consultation- Fairview OR Sidewalk Installation Project.pdf](#)

[Nez Perce Tribe- Notification and Consultation- Fairview OR Sidewalk Installation Project.pdf](#)

[Siletz Tribe - Notification and Consultation- Fairview OR Sidewalk Installation Project.pdf](#)

[TDAT_Report.xlsx](#)

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. No new noise sensitive use. Continuation of previous sidewalk improvement projects along this neighborhood area with CDBG funds.

Supporting documentation

Are formal compliance steps or mitigation required?

NE-3rd-St-(Main-
Harrison)-Sidewalk-Infill-
(City-of-Fairview)

Fairview, OR

900000010240096

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.

NE-3rd-St-(Main-
Harrison)-Sidewalk-Infill-
(City-of-Fairview)

Fairview, OR

900000010240096

Supporting documentation

[Sole Source_NEPAssist Map.pdf](#)

[Sole Source Aquifers Map.pdf](#)

[Sole Source Aquifers ESRI Map.pdf](#)

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.

NE-3rd-St-(Main-
Harrison)-Sidewalk-Infill-
(City-of-Fairview)

Fairview, OR

900000010240096

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. Nearby wetlands are over 1/2 mile away. The project is in compliance with Executive Order 11990.

Supporting documentation

[Wetlands Fairview Map.pdf](#)
[Wetlands Map.pdf](#)

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

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

Supporting documentation

[National Wild and Scenic Rivers LIST System.pdf](#)

[Nationwide Rivers Inventory.pdf](#)

[WILD AND SCENIC RIVER MAP.pdf](#)

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

[NEPAssist_Analysis Map_Report_Legend.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No