

## **NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR PROJECTS AND PROGRAMS**

Date of Publication: November 20, 2024

City of Wichita Falls

PO Box 1431

Wichita Falls, TX 76307

940-761-7448

On or about December 7, 2024 the City of Wichita Falls will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant funds under Title I of the Housing & Community Development Act of 1974, as amended, to undertake the following projects, for the purpose of rehabilitating and improving the conditions of existing city public parks and recreational areas and/or providing a safe environment for the morale and welfare of the public:

**Program Title:** Community Planning and Development Program

### **1. Project: Arts Council – Lamar Park Sound Garden**

**Purpose:** Improve conditions of the playground for the safety and development of the public.

**Location:** Street Address: 2300 Lucas Avenue Wichita Falls, TX 76301

**Project/Program Description:** This project involves installation of an interactive sound garden. The sound garden will include multiple large-scale outdoor instruments that can be used by children and adults. The instruments are playground rated to meet all safety standards and have been reviewed by the City of Wichita Falls Parks manager for appropriateness. The instruments will be set in concrete.

**Estimated Project Cost:** \$50,000.00

**Level of Environmental Review Citation:** 24 CFR Part 58.35(a) and 58.5

**Mitigation Measures/Conditions/Permits (if any):** Airport Hazard: 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: This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. Flood Insurance: 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. Air Quality: 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: 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: 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 exempt from radon consideration. The project is in compliance with contamination and toxic substances requirements. Endangered Species Act: This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in compliance with the Endangered Species Act without mitigation. A request was submitted to U.S. Fish & Wildlife

Service (USFWS) to identify endangered and threatened species and critical habitat in the project area. The response identified six species known to occur in the location. One, the Whooping Crane, is most likely to have habitat in the park boundary and therefore may affect. While no mitigation is required due to Not Likely to Adversely Effect there will not be any work or disturbance activities during Mar 19-April 30, and Oct 20-Nov 24 because of crane migration season. The response further indicated no critical habitats lie within the area. Explosive and Flammable Hazards: 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: 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. Floodplain Management: This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. Historic Preservation: 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. Noise Abatement and Control: 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. Sole Source Aquifers: The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. Wetlands Protection: The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Wild and Scenic Rivers Act: This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. Environmental Justice: No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

## **2. Project: Arts Council – Jalonick Park Sound Garden**

**Purpose:** Improve conditions of the playground for the safety and development of the public.

**Location:** 405 Walnut Street Wichita Falls, TX 76301

**Project/Program Description:** This project involves installation of an interactive sound garden. The sound garden will include multiple large-scale outdoor instruments that can be used by children and adults. The instruments are playground rated to meet all safety standards and have been reviewed by the City of Wichita Falls Parks manager for appropriateness. The instruments will be set in concrete.

**Estimated Project Cost:** \$50,000.00

**Level of Environmental Review Citation:** 24 CFR Part 58.35(a) and 58.5

**Mitigation Measures/Conditions/Permits (if any):** Airport Hazard: 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: This project is not located in a CBRS Unit.

Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. Flood Insurance: 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.

Air Quality: 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: 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: 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 exempt from radon consideration. The project is in compliance with contamination and toxic substances requirements. Endangered Species Act: This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in compliance with the Endangered Species Act without mitigation. A request was submitted to U.S. Fish & Wildlife Service (USFWS) to identify endangered and threatened species and critical habitat in the project area. The response identified six species known to occur in the location. One, the Whooping Crane, is most likely to have habitat in the park boundary and therefore may affect. While no mitigation is required due to Not Likely to Adversely Effect there will not be any work or disturbance activities during Mar 19-April 30, and Oct 20-Nov 24 because of crane migration season. The response further indicated no critical habitats lie within the area. Explosive and Flammable Hazards: 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: 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. Floodplain Management: This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. Historic Preservation: 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. Noise Abatement and Control: 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. Sole Source Aquifers: The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. Wetlands Protection: The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Wild and Scenic Rivers Act: This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. Environmental Justice: No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

### **3. Project: Senior Citizens of North Texas – Roof Rehabilitation**

**Purpose**: Improve conditions of the public facility for the safety and development of the public.

**Location**: Street Address: 1008 Burnett Street Wichita Falls, TX 76301

**Project/Program Description**: This project involves sweeping and haul off existing gravel and mechanically attach 1/2 high density insulation board, rhino bond membrane, expansion joint, flashing, edges, new vent pipes on roof of 1008 building which houses the cooking facility of Wichita Falls Meals on Wheels program.

**Estimated Project Cost**: \$67,000.00

**Level of Environmental Review Citation**: 24 CFR Part 58.35(a) and 58.5

**Mitigation Measures/Conditions/Permits (if any)**: Airport Hazard: 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: This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. Flood Insurance: 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. Air Quality: 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: 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: 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. Radon testing indicated radon levels below 4.0 pCi/L. The project is in compliance with contamination and toxic substances requirements. Endangered Species Act: This project May Affect, but is Not Likely to Adversely Affect, listed species, and informal consultation was conducted. This project is in compliance with the Endangered Species Act without mitigation. A request was submitted to U.S. Fish & Wildlife Service (USFWS) to identify endangered and threatened species and critical habitat in the project area. The response identified six species known to occur in the location. One, the Whooping Crane, is most likely to have habitat in the park boundary and therefore may affect. While no mitigation is required due to Not Likely to Adversely Effect there will not be any work or disturbance activities during Mar 19-April 30, and Oct 20-Nov 24 because of crane migration season. The response further indicated no critical habitats lie within the area. Explosive and Flammable Hazards: Based on the project description the project includes no activities that would require further evaluation under this section. The project is in complies with explosive and flammable hazard requirements. Farmlands Protection: 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. Floodplain Management: This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. Historic Preservation: 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. Noise Abatement and Control: 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. Sole Source Aquifers: The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. Wetlands Protection: The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Wild and Scenic Rivers Act: This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. Environmental Justice: No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**The activity/activities proposed** are categorically excluded under HUD regulations at 24 CFR Part 58(a) from National Environmental Policy Act (NEPA) requirements. This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements have been submitted. **An Environmental Review Record (ERR)** that documents the environmental determinations for this project is on file at City of Wichita Falls, Neighborhood Resources Division, 1800 7<sup>th</sup> Street, Wichita Falls, TX 76301 and may be examined or copied weekdays 8 AM to 5 PM.

## **PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the City of Wichita Falls Neighborhood Resources Division at the address listed above, or by email to Alex.Peregrino@wichitafallstx.gov. The ERR can also be accessed online at the following website: [https://www.hudexchange.info/programs/environmental-review/environmental-review-records/?filter\\_status=&filter\\_state=TX&filter\\_city=Wichita+Falls&program=ERR&group=](https://www.hudexchange.info/programs/environmental-review/environmental-review-records/?filter_status=&filter_state=TX&filter_city=Wichita+Falls&program=ERR&group=) All comments received by 5PM on December 6, 2024 will be considered by the City of Wichita Falls prior to authorizing submission of a request for release of funds.

## **ENVIRONMENTAL CERTIFICATION**

The City of Wichita Falls certifies to HUD that Paul Menzies, Certifying Officer, in his capacity as Assistant City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Wichita Falls to use HUD program funds.

## **OBJECTIONS TO RELEASE OF FUNDS**

HUD will accept objections to its release of funds and the City of Wichita Falls' 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 the City of Wichita Falls; (b) the City of Wichita Falls 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) by email to Shirley Henley, Director, Fort Worth Regional Office at cpd\_generalcorr-ftw@hud.gov or by U.S. mail to HUD at U.S. Department of Housing and Urban Development, Shirley Henley, Director, Fort Worth Regional Office, Office of Community Planning and Development, 307 W. 7<sup>th</sup> St., Suite 1000, Fort Worth, TX 76102. Potential objectors should contact HUD to verify the actual last day of the objection period.

Paul Menzies, Assistant City Manager, Certifying Officer

## **Certification**

I certify that the above notice of meeting was posted on the bulletin board at Wichita Falls Public Library, Wichita Falls, TX on the 20<sup>th</sup> day of November, 2024, at 5:00 o'clock p.m.



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Deputy City Clerk