

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

Project Information

Project Name: Monarch-Village-Apartments

HEROS Number: 900000010221361

Responsible Entity (RE): WEST VIRGINIA DEPARTMENT OF DEVELOPMENT
1900 KANAWHA BLVD. E, BUILDING 3, SUITE 700 CHARLESTON, WV 25306

RE Preparer: Tammy L Jones

State / Local Identifier:

Certifying Officer: Jennifer L. Ferrell, Director, Community Advancement and Development

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: , Clendenin, WV 25045

Additional Location Information:
3,5,7,9 Kanawha Avenue E, Clendenin, WV 25045.

Direct Comments to:

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

The project will involve the acquisition of contiguous parcels, the demolition of existing structures at 3, 5, 7, and 9 Kanawha Avenue East, Clendenin, Kanawha County, WV, and the new construction of Monarch Village, a 12-unit residential rental affordable housing project serving seniors. Monarch Village LLC, a West Virginia limited liability company, proposes to construct a new two-story elevator-served building on an approximate 0.30-acre parcel at 3, 5, 7, and 9 Kanawha Avenue East, Clendenin, West Virginia. The building will contain 12 residential units (six 1BR units and six 2BR units) and community space integrated throughout. Off-street parking will also be constructed. Total project cost is estimated to be \$2,795,000, and financing includes deferred developer fee and a CDBG-DR loan (currently estimated to be \$2,595,000).

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

The National Environmental Policy Act of 1969 (NEPA) requires agencies of the Federal government to evaluate the effects of their actions on the quality of the human environment. As a federal agency, Housing and Urban Development fulfills its responsibilities under NEPA by requiring experts to review their proposed actions for environmental consequences. Monarch Village is a proposed one (1) building, twelve (12) unit, multifamily residential rental housing development located on an approximate 0.30-acre parcel in Census Tract 0112.00 in Clendenin, Kanawha County, WV. Monarch Village's purpose is to provide safe, decent sanitary housing to low-income seniors in Clendenin, WV, where the need and demand for affordable housing exists.

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

The town of Clendenin is approximately 20 miles north of West Virginia's capital city, Charleston. Clendenin is served by I-79 and US Route 119, both north-south transportation corridors. Census Tract 0112.00, the tract in which Monarch Village is proposed to be located, has an estimated 4,132 population in 2021; and the estimated 2021 median family income is 86.10% of AMI. In the absence of Monarch Village, (a) the existing buildings would likely remain vacant and cause further degradation to the neighborhood and census tract; and (b) needed affordable housing, in response to market demand, would not be constructed.

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

[Area Map.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
B-16-DL-54-0001	Community Planning and Development (CPD)	Community Development Block Grants (Disaster Recovery Assistance)

**Estimated Total HUD Funded,
Assisted or Insured Amount:** \$2,595,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$2,795,000.00

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	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. 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	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	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Vapor Encroachment Screening. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. The adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be 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 has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. 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.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. 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	1	Potentially beneficial. The proposed project will provide affordable housing and develop a property not currently providing benefits to the community. The proposed design will enhance the livability and aesthetics of the property and could increase surrounding property values. The project will obtain all local Planning and Development approvals. The project will fit within the context of the surrounding residential and commercial developments.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The drainage plan utilizes local civil stormwater management and incorporates lines previously placed, providing no adverse increase in flow.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The contractor will follow all safety laws. The contractor will practice HUD Noise Standards. No work will take place between 11:00 p.m. - 6:00 a.m., therefore noise will not become a nuisance to the community.	
Energy Consumption/Energy Efficiency	1	Energy Star exterior windows, doors, HVAC, hot water tanks, ceiling fans and washers/dryers will be provided to all tenants, as well as LED lighting in the units.	
SOCIOECONOMIC			
Employment and Income Patterns	2	The planned project includes the development of affordable housing on an area of currently vacant land. This project is expected to create minor additional employment opportunities and increase the availability of affordable housing in the area. Income levels are not anticipated to be impacted by the project.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Demographic Character Changes / Displacement	1	This project will bring retirees to the downtown area, where they have shown interest in living according to market research. No displacement will occur.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	No impact. The building will be used by people aged 55 and up. Most residents will not have children who attend public school.	
Commercial Facilities (Access and Proximity)	1	The number of individuals in the downtown area will increase, which will positively impact the commercial facilities.	
Health Care / Social Services (Access and Capacity)	2	Local health care facilities are expected to have adequate capacity. Future residents are expected to largely come from the immediate surrounding area.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	No impact. A dumpster will be located on site. The City of Clendenin has the capacity to serve the project.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	No impact anticipated. The project will be required to undergo all appropriate reviews and approvals for connection to the local sanitary sewer system. Capacity is not expected to be a concern. The property was previously developed with multiple buildings.	
Water Supply (Feasibility and Capacity)	2	No impact anticipated. The project will be required to undergo all appropriate reviews and approvals for connection to the local water supply system. Capacity is not expected to be a concern.	
Public Safety - Police, Fire and Emergency Medical	2	No impact anticipated. Clendenin Volunteer Fire Departments is 0.25 miles from the project. The Clendenin Police Department is 0.21 miles from the project. Cabin Creek Health Center is 0.33 miles from the project.	
Parks, Open Space and Recreation (Access and Capacity)	2	No impact anticipated.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Transportation and Accessibility (Access and Capacity)	2	No impact anticipated. The area is serviced by the Kanawha Valley Regional Transportation Authority, the downtown area is within walking distance, and the project owner plans to utilize a local non-profit organization for specialty transportation for elderly and disabled individuals.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	No impact anticipated. The project is not expected to adversely impact unique natural features and agricultural lands, as discussed above in 'Wetlands Protection,' 'Coastal Zone Management Act,' 'Wild and Scenic Rivers Act,' 'Farmland Protection Policy Act,' and 'Open Space and Recreation.' The site will comply with all applicable development and stormwater management regulations.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	No impact anticipated. The project will not affect vegetation or wildlife.	
Other Factors	2	No other factors were observed.	

Supporting documentation

Additional Studies Performed:

Phase I by Kemron Environmental Services 9-10-21.

[3 5 7 and 9 Kanawha Avenue Phase I ESA 09-21\(1\).pdf](#)

Field Inspection [Optional]: Date and completed by:

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

NEPAssist website- <https://www.epa.gov/nepa/nepassist> EPA website- <https://www.epa.gov/> HUD Exchange Website-<https://www.hudexchange.info/>

Airport IQ websites- <https://www.gcr1.com/5010WEB/SearchResults.cfm> US Fish and Wildlife website- <https://www.fws.gov/index.html> Office for Coastal Management website-<https://coast.noaa.gov/czm/mystate/> IPaC website- <https://ecos.fws.gov/ipac/> TigerWeb website- <https://tigerweb.geo.census.gov/tigerweb/> USDA website- <https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm> FEMA website- https://msc.fema.gov/portal/home#__lastpassid__=1124513266770982808 WV Culture & History website- <http://www.wvculture.org/shpo/nr/nr.html> Federal Railroad Administration website- <https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/Xingqryloc.aspx> WV DOT website- <https://gis.transportation.wv.gov/aadt/> ArcGIS website - <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b> National Wild and Scenic Rivers System website- <https://www.rivers.gov/>

[List of Sources Agencies and Persons Consulted.pdf](#)

List of Permits Obtained:

The property will obtain all applicable permits prior to construction including building permits, stormwater, and construction permits. Wetland impact permits should not be required.

Public Outreach [24 CFR 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

The construction of Monarch Village represents an efficient method of creating affordable housing in Clendenin. The development's surrounding areas are already served by existing water and sewer systems, and there will be minimal impact on area water resources. The project's energy efficient design features will minimize energy consumption of the proposed 12-unit building. Traffic on streets surrounding the project will increase during the construction, and additional noise will be generated during that same period. However, these impacts are temporary, and there is no evidence that the project will promote the long-term degradation of any natural resources or ecosystem components of concern.

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

The WVHDF considered the following alternative actions: Alternative 1: Locate the Project to another site. While alternate sites might be available in other portions of the county, those sites would likely present a similar range of impacts. The feasibility of acquiring an alternate site located in an existing residential neighborhood, the cost

to develop the alternate site, and the likelihood that the environmental impacts would be similar or greater in comparison to the proposed project, make the construction of a project at an alternative site an unacceptable alternative to the proposed project. WVHDF evaluation: Alternative 1 is not practicable and is rejected. Alternative 2: Eliminate CDBG-DR funding from the Project's funding sources. Currently the total Project cost is \$2,795,000 and includes realistic project costs. The elimination of CDBG-DR from the Project would create a \$2,595,000 gap. Unfortunately, municipality, county, and state agencies offer minimal soft source funding options, and the Project would be unable to adequately fill the \$2,959,000 gap. Consequently, the Project would not receive another funding source, and needed safe, decent, sanitary affordable housing would not be constructed. WVHDF evaluation: Alternative 2 is not practicable and is rejected. Alternative 3: Proceed with project processing. WVHDF evaluation: Alternative 3 is practicable and is acceptable.

No Action Alternative [24 CFR 58.40(e)]

The no-action alternative would result in the loss of safe, decent, sanitary affordable housing in Clendenin Census Tract 0112.00. Although no action on the project would result in no increase in area traffic, no change in the current demand on municipal services, and no impact on air quality (during construction), the long-term overall benefit to low-income households and the community as a result of completing the project far outweigh any benefit that might be derived from taking no action. The No Action alternative would not provide needed low-income housing in the Clendenin area.

Summary of Findings and Conclusions:

A determination has been made that the practicable alternative is for the project to proceed with planning and construction.

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
Contamination and Toxic Substances	<p>All ACM should be added to the scope of work and the materials be removed by a properly licensed contractor and taken to a properly licensed disposal facility in accordance with asbestos removal regulations.</p> <p>It is recommended to require full documentation and a clearance letter from the contractor to be submitted to WVHDF when the ACM has been remediated.</p> <p>All should be removed prior to demolition of current structures.</p> <p>Any LBP that is involved with the project will be taken to the landfill and disposed of with all other non asbestos containing building materials.</p>	N/A		

Project Mitigation Plan

WVHDF will confirm the project's plan conform with the mitigation measures outlined in the asbestos and lead based paint plans.

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

[Airport Hazards.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

[Coastal Barrier Resources.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.

✓ Yes

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

[FIRMETTE 0b70f3ed-95f1-415a-bb10-1406e7c1e878.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. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

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

Yes

Screen Summary **Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. 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 Insurance.pdf](#)

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

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

[Air Quality.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

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[Coastal Zone Management.pdf](#)

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

- ☒ Yes

3. Mitigation

Document and upload the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated.

- ✓ Yes, adverse environmental impacts can be eliminated through mitigation.
Document and upload all mitigation requirements below.

4. Describe how compliance was achieved in the text box below. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls, or use of institutional controls.

All ACM should be added to the scope of work and the materials be removed by a properly licensed contractor and taken to a properly licensed disposal facility in accordance with asbestos removal regulations. It is recommended to require full documentation and a clearance letter from the contractor to be submitted to WVHDF when the ACM has been remediated. All should be removed prior to demolition of current structures. Any LBP that is involved with the project will be taken to the landfill and disposed of with all other non asbestos containing building materials.

If a remediation plan or clean-up program was necessary, which standard does it follow?

- ✓ Complete removal

Risk-based corrective action (RBCA)

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Vapor Encroachment Screening. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. The adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.

Supporting documentation

[Asbestos Removal Plan 3 Kanawha Ave\(1\).pdf](#)
[Asbestos Removal Plan 3 Kanawha Ave red building.pdf](#)
[3 5 7 and 9 Kanawha Avenue Phase I ESA 09-21.pdf](#)

[Contamination and Toxic Substances.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

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

2. Are federally listed species or designated critical habitats present in the action area?

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

- ✓ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

Document and upload all documents used to make your determination below. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

Blanket letter from USFWS dated 6/29/18 and DNR letter dated 10/7/21 regarding no effect.

Screen Summary
Compliance Determination

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation.

Supporting documentation

[Endangered Species.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

☒ Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

☐ No

☒ Yes

4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?

✓ Yes

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

No

Screen Summary

Compliance Determination

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

[Explosive and Flammable Hazards.pdf](#)

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:

Demolition of current structures with new construction in place.
Current area is developed land.

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

[Farmlands Protection.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_0b70f3ed-95f1-415a-bb10-1406e7c1e878.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.

Supporting documentation

[Floodplain Management.pdf](#)

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).

Threshold (b). Document and upload the memo or explanation/justification of the other determination below:

Letter's of No Effect from WV Arts, Culture and History dated 7/14/21, 6/15/21 and 5/5/21.

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

Screen Summary

Compliance Determination

Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.

Supporting documentation

[Historic Preservation.pdf](#)

Monarch-Village-
Apartments

Clendenin, WV

900000010221361

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

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

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

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

- ☒ There are no noise generators found within the threshold distances above.

Based on the response, the review is in compliance with this section. Document and upload a map showing the location of the project relative to any noise generators below.

Noise generators were found within the threshold distances.

Screen Summary

Compliance Determination

The Preliminary Screening identified no noise generators in the vicinity of the project. The project is in compliance with HUD's Noise regulation.

Supporting documentation

[Noise Abatement and Control.pdf](#)

Are formal compliance steps or mitigation required?

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.

Monarch-Village-
Apartments

Clendenin, WV

900000010221361

Supporting documentation

[Sole Source Aquifers.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.

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.

Supporting documentation

[Wetlands Protection.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

[Wild and Scenic Rivers.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

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

☐ Yes

☒ No

Explain:

2021 FFIEC Geocode Census Report indicates that there is a low percentage of low income and or minority communities located in the area.

Based on the response, the review is in compliance with this section. Document and upload any supporting documentation below.

Screen Summary

Compliance Determination

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

Supporting documentation

[Census 9580.pdf](#)

[Census 112.pdf](#)

[Census 111.pdf](#)

[Environmental Justice.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No