Pierce County
Department of Community Connections
Helen P. Howell
Director

3602 Pacific Avenue
Tacoma, Washington 98418
(253) 798-4500

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PIERCE COUNTY
COMMUNITY CONNECTIONS

October 28, 2014

Ken Gill, P.E.
Acting Director of Public Works/City Engineer
City of Fife, Public Works Department
3725 Pacific Highway East
Fife, WA 98424

Re: NEPA Environmental Review Completed for the City of Fife 58th Ave East Sidewalks Awarded Pierce County 2014 Community Development Block Grant (CDBG) Funds

Dear Mr. Gill:

Enclosed are two originals of the environmental review record for the City of Fife 58th Ave East Sidewalk 2014 CDBG Project. Thank you for the information provided to complete the environmental review.

Please review the attached documents to make sure the information provided is accurate and sign both originals where indicated. Both original documents must then be returned to Pierce County for completion of the environmental review process. After signature by the County, a fully signed environmental review record will be returned to the City of Fife for your grant file and the project can move forward.

Please sign both originals where indicated and return to:

Kelli O'Donnell
Pierce County Community Connections
Community Development
1305 Tacoma Ave S, Suite 104
Tacoma, WA 98402-1903

If you have any questions, please contact me at (253) 798-6919 or kodonne@co.pierce.wa.us.

Sincerely,

Kelli O'Donnell
Community Development Specialist

cc: File

ec: Nicholas Nyland, Community Development Specialist

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Determination of Categorical Exclusion (subject to Section 58.5)

Determination of activities per 24 CFR 58.35(a)

Project Names(s): City of Fife – 58th Avenue Sidewalk Replacement Project
Grant Number: 2014/17; IDIS Activity # 2880

Address: 5411 23rd St East, Fife, WA 98424

Project Description, including all contemplated actions which logically are either geographically or functionally part of the project:

The proposed project is for the removal of the existing sidewalk and reconstruction of approximately 500 linear feet (LF) of sidewalk and planter strip from 23rd Street East and 58th Avenue East, south to Harry Smith Road in Fife, Washington. The project also includes upgrades to driveway entrances, pedestrian curb ramps, and stormwater improvements (bioswale/ rain gardens) for seasonal flooding.

The project will include:

- Excavate 500' of existing sidewalk at 6' wide (Assume 0.5' on either side) and 6" deep (Assume 4" concrete and 2" sub base). Plus, you have the existing driveways with a combined area approximately 2900 ft2 at 6" deep (Assume 4" HMA and 2" sub base) of removal.
- Rebuild the proposed sidewalk with planter strip on fill, in order to bring the elevation up to roadway grade and help with the flooding.
- Include bioswale/rain gardens to address seasonal flooding.
- 3' high modular block retaining wall at back of sidewalk to increase elevation.
- Rebuild driveway entrances to meet ADA standards and new sidewalk profile grades.
- Sidewalks will be reconstructed in compliance with current Americans with Disabilities Act (ADA) standards.

Estimated cost: $200,500

Funding Source: CDBG $115,500 HOME Public Housing EDI ICDBG NAHASDA Other: Fife Public Safety Fund $85,000

	The project falls into the category below, which is listed at 24 CFR 58.35(a) as a Categorically Excluded activity subject to Section 58.5.
X	1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity for more than 20 percent. Examples: ▪ Replacement of water or sewer lines ▪ Reconstruction of curbs and sidewalks ▪ Repaving of streets
X	2. Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped persons.
	3. Rehabilitation of buildings and improvements under the following conditions: i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units and the land use is not changed. ii. In the case of multifamily residential buildings: A. Unit density is not changed more than 20% B. The project does not involve changes in land use from residential to non-residential; and C. The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation. iii. In the case of non-residential structures, including commercial, industrial, and public buildings: A. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and B. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
	4. An individual action i. Up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

	ii. A project of five ore housing units developed on scattered sit hen the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.
	5. Acquisition (including leasing) or disposition of an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use;
	6. Combinations of the above activities

The determination of the category listed above is supported by the following information (explain how you determined that the project satisfied the condition of the category you checked above and document as appropriate):

This project is for the replacement of existing sidewalks with new sidewalks on 58th Avenue East and will include storm water improvements in order to eliminate flooding of existing facility. The size and capacity of the public facility will not be increased. The sidewalks will be built to ADA standards and will improve the accessibility for the elderly and handicapped persons in the area.

You must complete the compliance checklist for 24 CFR 58.6 and the Statutory Worksheet on the following pages.

Compliance Checklist for the "Other Requirements" in 24 CFR 58.6

Project Name: Project Names(s): City of Fife – 58th Avenue Sidewalk Replacement Project
Grant Number: 2014/17; IDIS Activity # 2880

Section 1. Flood Disaster Protection Act

Are funds for acquisition (including equipment) or construction (including repair and rehabilitation) purposes?	Yes Continue	No Proceed to Section 2-Act does not apply
Is the Activity in an area identified as having special flood hazards (SFHA)? Identify FEMA flood map used to make this determination: City of Fife, WA Community Name and Number 530140 0005 B, Effect. Nov 5, 1980 Map panel number and date	Yes Document and Continue	No Document and Proceed to Section 2-Act does not apply **See Appendix B**
Is the Community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?	Yes-Document and follow instructions below.	No-**Federal Assistance may not be used for this project.**
Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file.		

Section 2. Airport Runway Clear Zones (Civil) and Accident Potential Zones (Military)

Does the project involve HUD assistance, subsidy or insurance for the purchase or sale of an existing property?	Yes Continue	No—Proceed to Section 3—regulation does not apply.
Is the project located within 2,500 feet of a civil airport or 15,000 feet of a military airfield?	Yes Continue	No—Document and proceed to Section 3—regulation does not apply.
Is the project located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones?	Yes Continue	No—Document and proceed to Section 3—regulation does not apply.

Comply with 24 CFR Part 51, Subpart D. This may include providing a written notice to a prospective buyer or leaser of the potential hazards from airplane accidents and the potential that an airfield operator may wish to purchase the property. Maintain copies of the signed notice. For properties located in a military clear zone, make and document a determination of whether the use of the property is consistent with DOD guidelines. Notice Sample: http://www.hud.gov/offices/cpd/energyenviron/environment/compliance/qa/airporthazards.pdf)

Section 3. Coastal Barrier Resources Act

Section 58.6 also requires compliance with the Coastal Barrier Resources Act. There are no Coastal Barrier Resource Areas in Washington, Oregon, Alaska, or Idaho. Therefore, the Act does not apply.

STATUTORY WORKSHEET

Use this worksheet only for projects which are Categorically Excluded per 24 CFR Section 58.35(a).

PROJECT NAME and Grant Number :

Project Name: Project Names(s): City of Fife – 58th Avenue Sidewalk Replacement Project
Grant Number: 2014/17; IDIS Activity # 2880

Compliance documentation must contain verifiable source documents and relevant base data.

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
Historic Preservation [36 CFR Part 800]	A	No historic properties are affected by the project. Tribal consultation letters were sent by Pierce County Community Connections to tribes that have indicated an interest in Pierce County HUD funded projects and to the Washington State Department of Archeology and Historic Preservation (DAHP) on September 24, 2014. DAHP indicated that the project was being reviewed by Lance Wollwage but has not responded within 30 days of receipt of the EZ-1 form or request for Section 106 Consultation. DAHP and consulted tribes had until 10/24/14 to respond to the request. The Steilacoom Tribe and Suquamish Indian Tribe of the Port of Madison Reservation have responded with no concerns. The Puyallup Tribe of the Puyallup Reservation has responded with no concerns but requested to be contacted in the event of any potential or confirmed cultural resources being encountered during the project. No additional comments were received prior to the expiration of the comment period. No effect Historic Preservation. See Appendix A for documentation.
Floodplain Management [24 CFR 55, Executive Order 11988]	A	The project is located in Community Map for the City of Fife, WA Number 530140 0005 B, Effect. Nov 5, 1980. The project is outside of an identified floodplain per FEMA Firmette. The project is also outside of any identified flood ways in the Pierce County Flood Data per the Countyview map. No effect on Floodplain Management. See Appendix B.
Wetland Protection [Executive Order 11990]	A	There are no wetlands on the project site per the National Wetlands Inventory mapper or the CountyView Data that includes CWI Wetlands, the Supplemental Wetland Inventory, Possible Wetlands, and the National Wetland Inventory. No effect on Wetland Protection. See Appendix C.
Coastal Zone Management Act [Sections 307(c), (d)]	A	The project is located in a tribal trust land and there is no impact to the coastal zone beyond the excluded tribal trust land. No effect on Coastal Zone Management. See Appendix D.
Sole Source Aquifers [40 CFR 149]	A	The project is for the replacement of an existing sidewalk that will not increase the size or capacity of the public facility. The project is not in a sole source aquifer but is located in a recharge area of a sole source aquifer. Per the e-mail from Susan Eastman dated September 4, 2014, formal EAS review is not required as the addition of a rain garden is an improvement. See Appendix E.
Endangered Species Act [50 CFR 402]	A	The project is for the reconstruction of an existing sidewalk that will not result in an increase of impervious surface or the removal of trees or streamside vegetation. See Appendix F.
Wild and Scenic Rivers Act [Sections 7(b), and (c)]	A	There are no federally designated wild and scenic rivers in Pierce County. No effect on wild and endangered rivers. See Appendix G.
Clean Air Act - [Sections 176(c), (d), and 40 CFR 6, 51, 93]	A	The project does not require an environmental assessment level review and is not new construction or major rehabilitation of an existing structure. No effect on Clean Air Act. See Appendix H.
Farmland Protection Policy Act [7 CFR 658]	A	The project does not include new construction, acquisition of undeveloped land or change in use of land or property. No effect on the Farmland Protection Policy Act. See Appendix I.

Environmental Justice [Executive Order 12898]	A	No environmental law or a rity required mitigation. The project will result in ADA improvements to an existing low-/moderate-income neighborhood. No effect. See Appendix J.
HUD ENVIRONMENTAL STANDARDS Noise Abatement and Control [24 CFR 51B]	A	The project is not for a noise sensitive use. No effect. See Appendix K.
Explosive and Flammable Operations [24 CFR 51C]	A	The project is for rehabilitation of a sidewalk that does not increase residential densities, convert a building for habitation, or make a vacant building habitable. See Appendix L.
Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)(2)]	A	The project is in an existing neighborhood near with businesses nearby including gas stations, repair and body shops. Environmapper identifies projects close by that report hazards but those identified do not have open compliance issues. There are no underground storage tanks, landfills, or toxic/solid-waste landfills in the vicinity of the project. No effect. See Appendix M.
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]		The project is more than 3,000 feet from a civil airport and 15,000 feet from a military airfield. No effect. See Appendix N.

DETERMINATION:

☒ This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **This** (now) EXEMPT project may now be initiated; OR

☐ This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before initiating the project; OR

☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

CERTIFICATION:

City of Fife Certification:

I certify that all known information has been provided and is true and correct.

Signature: _____ **Date:** 10/29/14

Name/Title/Agency: KIEN GIU CITY ENGINEER CITY OF FIFE

Responsible Entity Determination/Certification:

Pierce County Signature: _____ **Date:** 10/31/2014

Name/Title/Agency: Kelli O'Donnell/Social Service Specialist 2/Pierce County Community Connections Environmental Officer

INSTRUCTIONS for complet the STATUTORY WORKSHEET

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (**RE**) must determine whether the proposal achieves compliance with each applicable statute, Executive Order or regulation with or without requiring formal consultation, mitigation, permits or having adverse effects on the resources protected by the statute. These instructions are a brief description of the essential findings needed to establish compliance. Please see Northwest Region Checklist Tools for further guidance on these laws and authorities. These instructions are not intended to replace the applicable regulations and applicable regulations take precedence.

The Preparer of the Statutory Worksheet must DOCUMENT AND ATTACH THE SOURCES OF THE DETERMINATION.

Record the finding status on the STATUTORY WORKSHEET for each listed Federal statute, regulation, authority as follows:
Status "A" applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation AND when no formal consultation, permit or agreement is required to establish compliance. In these situations, enter **"A"** in the STATUTORY WORKSHEET status column.
Status "B" applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. Part B summarizes what additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

Historic Properties (including archeology): **A)** The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4(d)(1) **OR** SHPO has not objected within 30 days to such a fully documented determination. **B)** The proposal will have an affect on historic properties per §800.4(d)(2) This includes no adverse effect on historic properties §800.5.

Floodplain Management: **A)** The project does not require compliance with 8-step decision-making at 24 CFR Part 55.20 or the 5-step decision-making at 24 CFR 55.12(a). **B)** The project requires compliance with the 8-step decision-making process at 24 CFR Part 55.20 or the 5-step decision-making process at 24 CFR 55.12(a).

Wetlands Protection: **A)** The project does not require compliance with 8-step decision-making at 24 CFR Part 55.20 or the 5-step decision-making at 24 CFR 55.12(a). **B)** The project requires compliance with the 8-step decision-making process at 24 CFR Part 55.20 or the 5-step decision-making process at 24 CFR 55.12(a).

Coastal Zone Management: **A)** The project is not located in the coastal zone, **OR** the project does not include new construction or major rehabilitation of existing structures, **OR** the State Department of Ecology has accepted the RE's certification that the project is consistent with the Coastal Zone Management Program. **B)** State Department of Ecology does not accept consistency determination and/or requires mitigation.

Sole Source Aquifers (Safe Drinking Water Act): **A)** The project is not located within a U.S. EPA-designated sole source aquifer watershed area (including stream flow source areas), **OR** the project need not be referred to EPA for evaluation according to an EPA approved MOU or checklist, **OR** EPA has concurred that the project is "not likely to affect Sole Source Aquifer quality" in an informal consultation. **B)** EPA does not concur with "not likely to affect Sole Source Aquifer quality' determination and/or requires mitigation.

Endangered Species: **A)** The RE determines that the proposal will have "no effect" on federally protected (listed or proposed) Threatened or Endangered Species **B)** US Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) concur the project "is not likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats **OR** USFWS and/or NMFS do not concur the project "is not likely to adversely affect" federally protected species or adversely modify critical habitats **OR** the proposal is "likely to adversely affect" any federally protected (listed or proposed) Threatened or Endangered Species.

Wild and Scenic Rivers: **A)** The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system. **B)** Impact resolution and/or mitigation required.

Air Quality: **A)** The project is located within an "attainment" area, **OR**, if within a "non-attainment" area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with a regional Clean Air Agency, **AND** the project requires no individual NESHAP permit or notification; **B)** Negotiate suitable mitigation measures with the relevant regional Clean Air Agency, obtain necessary permits, issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed).

Farmland Protection: A) The project does not include prime or unique farmland, other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses; **B)** Project site includes prime or unique farmland as identified by NRCS.

Noise Abatement and Control: A) The project does not involve development of noise sensitive uses, **OR** the project is not within 15 miles of a civil airport or military airfield, within 1000 feet of major highways or busy roads, or with 3000 feet of a railroad, **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG); **B)** Development project requires mitigation to meet HUD"s noise standards at 24 CFR 51B.

Explosive or Flammable Operations: A) The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to 24 CFR 51C, **OR** the project will expose neither people nor buildings to such hazards; **B)** Project requires mitigation to meet Acceptable Separation Distance.

Toxic Chemicals and Radioactive Materials: A) The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. **B)** Project requires mitigation to meet HUD's toxic standards.

Environmental Justice: A) The proposed site is suitable for its proposed use and will NOT have a disproportionate environmental impact on low income or minority populations; **B)** Site suitability is a concern; the proposal is adversely affected by environmental conditions disproportionately impacting low income or minority populations.

Airport Clear Zones and Accident Potential Zones: A) The project is not located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ; **B)** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

City of Fife 58th Ave E Sidewalk Replacement Project

CDBG 2014

Map Legend

Roads

- Interstate
- Limited Access State Routes
- Other State Routes
- Ramps
- Major Arterial
- Collector
- Local Access

0 200 400 ft.

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Community Connections

Pierce County
Geographic Information Services

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.