

Environmental Review Compliance Monitoring Plan (Recipient)

2020

This monitoring plan is designed to assist a tribe or tribally designated housing entity to conduct self-monitoring of its performance and compliance with pertinent requirements and is virtually identical to the plan that the Office of Native American Programs uses.

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I. Purpose				-
The purpose of the environmental review is to	24 CFR Parts 50	http://portal.h		Read & Noted
determine compliance with HUD's environmental	and 58	.gov/hudportal/		
review and clearance requirements, as outlined in		JD?src=/progra		
24 CFR Part 50 and Part 58. Under the Indian		offices/comm		
Community Development Block Grant (ICDBG)		nning/environ		
program, the tribe <u>must</u> assume the responsibilities		nt/lawsandregs		
for completing environmental reviews, unless a		mpliance/form		
claim of legal incapacity is made and sustained by		rngmanual/		
HUD. However, under NAHASDA [Indian				
Housing Block Grant (IHBG), Title VI, and		2012 HUD		
Section 184 programs], the tribe may decline the		Environmenta		
responsibility for carrying out the environmental		1 Review		
review responsibilities under 24 CFR Part 58. If a		Compliance		
tribe declines the responsibility, the environmental		Guidebook		
review responsibilities are carried out by HUD		(Part 58)		
under 24 CFR Part 50.				
	24 CED 50 22			
Funds cannot be committed or used to undertake a	24 CFR 58.22			
program or activity listed in 24 CFR 58.1(b) if the	24 CFR 50.3(h)(3)			
activity or project would have an adverse	24 CFR			
environmental impact or limit the choice of reasonable alternatives.	1000.20(b)(3)			
reasonable alternatives.	24 CFR 1003.605			
Note: A Phase I environmental site assessment				
does not satisfy the requirements of an				
environmental review under 24 CFR Part 58.				



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II. Pre-Review Preparation				-
A. If available, review the following documents:				Read & Noted
 Most recent IHP, approved IHP amendments, IHP amendments in process Previous environmental monitoring findings and corrective action status findings Previous self-monitoring report(s) Previous audits, workpapers, and management plan status for findings Current enforcement actions Valid complaints Relevant correspondence 				
B. Review the applicable regulations and develop the scope of work based on the following:				Read & Noted
1. Review Indian Housing Plans (IHP) (and amended IHPs) to determine whether (and for which projects):				Read & Noted
a. the tribe assumed responsibility the environmental reviews under CFR Part 58, or				Tribe has assumed full ER responsibility for all programs

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	b. the reviews were to be done by HUD under 24 CFR Part 50.				N/A	
	2. Show actual or planned start dates for each project or activity.				*All program under IHP: 1/1/20 *34 th St Development: 3/8/17	
C.	Review files for information related to all types of environmental reviews (exempt activities, categorically excluded activities, or activities that would require an Environmental Assessment or Environmental Impact Statement) done by or for the tribe.				Reviewed all 2020 annual ERs, no project based ERs were needed in 2020	
	1. Review files for information on potential issues; i.e., audit findings, monitoring findings, and HUD 7015.16.				Read & Noted	
	2. Determine which activities will be tested on site and refer to sampling methods in the General Instructions.				Read & Noted	
	3. Select a sample from the list developed in 2, above.				We will review all the annual ERs noted above	
	4. While it is highly unlikely that any projects at the Environmental Impact Statement level will be present, they should, of course, be included in any sample.				Read & Noted – none in 2020	

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5. For reviews conducted by HUD under 24 CFR Part 50:		PIH Notice 1999-37 (extended indefinitely by PIH Notice 2002-25)		N/A for 2020
a. review the Form HUD-4128, Environmental Assessment and Compliance Findings for the Related Laws, completed for each activity, and				N/A for 2020
b. summarize the decision made by ONAP conducting the environmental review.		-		N/A for 2020
III. Review				-
Without exception, all Environmental Review Records (ERR) must include a determination that an action did or did not trigger the requirements of the Flood Disaster Protection Act, the Coastal Barriers Resources Act and include a disclosure of properties located in airport runway clear zones.	24 CFR 58.6(a) 24 CFR 58.6(c) 24 CFR 58.6(d)			N/A for 2020 – all included determinations
Sovereignty does not negate the requirement of contacting state agencies.	24 CFR 58.14 & 58.2(a)(7)(ii)			Read & Noted



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IV. Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities				Read & Noted		
Note : If the tribe has not assumed environmental review responsibilities, there is no need to monitor compliance with environmental review requirements.				Read & Noted		
If there is an environmental violation, appropriate corrective actions will need to be taken.				Read & Noted		
Obtain the ERR for each covered activity in the sample. Conduct the review in accordance with the following sections as appropriate for the type of project activity.				Read & Noted		
If deficiencies are noted in the ERRs sampled, the environmental review should be expanded to evaluate environmental records completed since the last review.				Read & Noted		
V. Flood Insurance Requirements				-		
A. Federal funds may not be used for acquisition and construction (including rehab), even if the activity is exempt or categorically excluded, in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:	24 CFR 58.6(a)(1)			N/A in 2020 – No properties acquired, rehabilitated, or constructed within a flood plain requiring flood insurance in 2020.		

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The community is participating in the National Flood Insurance Program (NFIP), and	24 CFR 58.6(a)(1)(i) and (ii)			N/A in 2020	
2. the tribe purchases and maintains flood insurance under that program.				N/A in 2020	
B. Review the FEMA Flood Hazard Boundary Map or Flood Insurance Rate Map for the community to determine whether project site is located in a special flood hazard area.				N/A in 2020	
C. If so, review the files to determine if the tribe has purchased and is maintaining flood insurance through the NFIP.				N/A in 2020	
VI. Exempt Activities				-	
A. Typical exempt activities include:				-	
1. Environmental and other studies	24 CFR 58.34(a)(1)			Completed (Environmental & other studies)	
2. Development of plans and strategies	24 CFR 58.34(a)(1)			Completed (Plans & Strategies)	
3. Information and financial services	24 CFR 58.34(a)(2)			Completed (Plans & Strategies)	
4. Administration and management activities	24 CFR 58.34(a)(3)			Completed (Admin & Mgmt)	



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5.	Public services not having a physical impact or resulting in physical changes (i.e., employment, crime prevention, education, counseling, etc.)	24 CFR 58.34(a)(4)			N/A in 2020		
6.	Inspections and testing for hazards or defects	24 CFR 58.34(a)(5)			Completed (Inspections)		
7.	The purchase of insurance	24 CFR 58.34(a)(6)			N/A in 2020		
8.	The purchase of tools	24 CFR 58.34(a)(7)			Completed (Tools)		
9.	Engineering or design costs	24 CFR 58.34(a)(8)			Completed (Affordable Housing - Pre-Development). This ERR was done in our records, but it appears the signed copy was lost during the file reorganization that took place to facilitate our work-from-home due to COVID19. We discovered the pdf was missing during this review and have now added a signed copy again to ensure there is a full ER record.		
10.	Technical assistance and training	24 CFR 58.34(a)(9)			Completed (Technical assistance & training)		
11.	Emergency repairs	24 CFR 58.34(a)(10)			N/A in 2020		
	a. Emergency repairs are limited.				N/A in 2020		
	b. There is no "Emergency Rehabilitation."				N/A in 2020		

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12. Payment of principal and interest	24 CFR 58.34(a)(11)			N/A in 2020		
B. Determine if the activities listed in the ERR are included in the list of exempt activities.	24 CFR 58.34			Yes, all are exempt activites		
C. Determine if the responsible entity (the tribe) reviewed compliance with the other applicable regulatory requirements.	24 CFR 58.6			Yes, we completed & documented any support needed for the determinations		
If there is not adequate documentation for this review:				N/A – adequate documentation		
a. Obtain a copy of the Sample Environmental Review for Projects that are Exempt Per § 58.34, and	24 CFR 58.34	Contact Area ONAP for sample		N/A – adequate documentation		
b. Complete the Environmental Review for Projects that are Exempt and include it in the records for each activity in this category.				N/A – adequate documentation		
D. Verify that the determination of exemption is documented for each activity.				Read & Noted		
If there is not adequate documentation for each activity:				All reviewed and adequate		
a. Obtain a copy of the Sample Statutory Checklist for Projects that	24 CFR 58.34	Contact Area ONAP for		Have a sample readily available		

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are Exempt Per § 58.34, and		sample				
b. Complete the Statutory Checklist for Projects that are Exempt and include it in the records for each activity in this category.				Already completed as part of the determination for all activities, the checklist is integrated into our declaration form		
E. Include in the workpapers a copy of one correctly completed record and/or documents to support each error disclosed. The errors documented will need to be corrected.				N/A - No errors found		
F. Based on the number of errors disclosed, determine if expanding the sample size is appropriate.				N/A - No errors found		
G. Obtain copies of the corrected records before completing the review. Lack of documentation on exempt activities is not a problem unless technical assistance has previously been provided and the records are still inadequate.				N/A - No errors found		
VII. Categorical Exclusions, Not Subject to 24 CFR § 58.5				-		
A. Typical categorically-excluded activities, which are not subject to §58.5, include:				Read and Noted		
1. Tenant-based rental assistance;	24 CFR 58.35(b)(1)	<u> </u>		Completed (Tenant-based rental assistance)		



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	2.	Supportive services (i.e., health care, housing services, etc.)	24 CFR 58.35(b)(2)			Completed (Supportive services);	
	3.	Operating costs (i.e., maintenance, security, utilities, etc.)	24 CFR 58.35(b)(3)			Completed (Operating costs)	
	4.	Economic development activities (i.e., equipment purchase, operating expenses not associated with construction or expansion, etc.)	24 CFR 58.35(b)(4)			N/A in 2020	
<u></u>	5.	Down payment or close cost assistance to homebuyers for existing units.	24 CFR 58.35(b)(5)			N/A in 2020	
В.	are	ermine if the activities listed in the ERR included in the list of categorical lusions, not subject to 24 CFR § 58.5.	24 CFR 58.35(b)			Yes, they are correctly attributed	
C.	revi	ermine if the responsible entity (the tribe) ewed compliance with regulatory airements of 24 CFR § 58.6.				Yes, the determination includes the requisite requirements	
	1.	If there is not adequate documentation for this review:				Adequate documentation included	
		a. Obtain a copy of the Sample Environmental Review for Projects that are Categorically Excluded Not Subject to § 58.5, and	24 CFR 58.35(b)	Contact Area ONAP for sample		N/A - Adequate	

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b. Complete the Environmental Review for Projects that are Categorically Excluded Not Subject to § 58.5 and include it in its records for each activity in this category.				N/A - Adequate
D. Verify that the determination of categorical exclusion, not subject to 24 CFR § 58.5, is documented for each activity.				Determination included and adequate documentation included
If there is not adequate documentation for each activity:				N/A - Adequate
a. Obtain a copy of the Sample Statutory Checklist for Categorical Exclusions Not Subject to § 58.5, and	24 CFR 58.35(b)	Contact Area ONAP for sample		N/A - Adequate
b. Complete the Statutory Checklist for Categorical Exclusions Not Subject to § 58.5 and include it in the records for each activity in this category.				N/A - Adequate
E. Include in the workpapers a copy of one correctly completed record and the documents to support each error disclosed. The errors documented will need to be corrected.	1	-		Read & Noted
F. Based on the number of errors, determine if]	No errors found

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expanding the sample size is appropriate.				
G. Obtain copies of the corrected records before completing the review.				Read & Noted
H. Lack of documentation on categorically- excluded activities, not subject to 24 CFR § 58.5, is not a problem unless:				Read & Noted
technical assistance has previously been provided, or				Read & Noted
2. the records are still inadequate.				Read & Noted
VIII. Categorical Exclusions, Subject to 24 CFR § 58.5				-
A. Typical categorically-excluded activities, which are subject to §58.5, include:				Read & Noted
Acquisition, repair, improvement, reconstruction, rehabilitation of public facilities (other than building) when the facilities:	24 CFR 58.35(a)(1)			Read & Noted, N/A in 2020
a. are in place and				N/A in 2020
b. will be retained in the same use				N/A in 2020



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without change in size or capacity.					
Removal or material and architectural barriers	24 CFR 58.35(a)(2)			N/A in 2020	
3. Rehabilitation of buildings and improvements	24 CFR 58.35(a)(3)			N/A in 2020	
4. An individual action (e.g., disposition, new construction, demolition, acquisition) on up to four dwelling units; or	24 CFR 58.35(a)(4)(i)			N/A in 2020	
5. An individual action on five or more units scattered on sites more than 2,000 feet apart and no more that 4 units per site.	24 CFR 58.35(a)(4)(ii)			N/A in 2020	
B. Determine if the activities listed in the ERR are included in the list of categorical exclusions, subject to 24 CFR § 58.5.	24 CFR 58.35(a)			N/A in 2020	
C. Determine if the responsible entity (the tribe) reviewed compliance with applicable regulatory requirements.	24 CFR 58.6			N/A in 2020	
If there is not adequate documentation of this review in the files:				N/A in 2020	



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	Citation			
a. Obtain a copy of the Sample Environmental Review for Projects that are Categorically Excluded Subject to § 58.5, and		Contact Area ONAP for sample		N/A in 2020
b. Complete the Environmental Review for Projects that are Categorically Excluded and include it in the records for each activity in this category.				N/A in 2020
D. Review each ERR to establish if compliance with the applicable laws and authorities was determined and documented; i.e., if there is a completed statutory worksheet.	24 CFR 58.5			N/A in 2020
E. Determine if recognized authoritative sources were used to support the conclusions reached.				N/A in 2020
If there is not adequate documentation for each activity:				N/A in 2020
a. Obtain a copy of the Sample Statutory Checklist and		Contact Area ONAP for sample.		N/A in 2020
b. Complete the Statutory Checklist and include it in the records for each activity in this category.				N/A in 2020

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F.	If it was determined and documented that there were no circumstances which required compliance with any of the applicable federal laws or authorities, the project converts to exempt under the provisions of 24 CFR § 58.34(a)(12).	24 CFR 58.5	-		N/A in 2020	
	1. No Request for Release of Funds (RROF), HUD-7015.15, is required.				N/A in 2020	
	2. The activity may begin, i.e., funds may be obligated or expended on the activity once this determination had been made.				N/A in 2020	
	3. If applicable, was such a determination documented?				N/A in 2020	
G.	If compliance was required with any of the applicable federal laws or authorities, were those actions needed to obtain compliance completed, e.g., the 8-step process required by E.O. 11988 Floodplain Management?	24 CFR 58.5	-		N/A in 2020	
Н.	Subsequent to obtaining compliance, were the RROF responsibilities, including public comment, met?	24 CFR 58.45			N/A in 2020	
	Obtain a copy of the actual notice and affidavit of publication or evidence of posting for public comment.				N/A in 2020	



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	a. Was the HUD-recommended format or an equivalent used for the publication or posting?				N/A in 2020		
	b. Was the required public comment period complied with?				N/A in 2020		
2.	Obtain a copy of the RROF.				N/A in 2020		
	a. If the certifying officer is someone other than the CEO of the tribe:				N/A in 2020		
	(1) ensure the certifying officer is properly designated, and				N/A in 2020		
	(2) ensure the information is adequate and accurate.				N/A in 2020		
3.	Obtain a copy of Form HUD-7015.16, Authority to Use Grant Funds, and determine whether it was executed by HUD.				N/A in 2020		
4.	Determine the date HUD or other funds were obligated or expended on each activity.				N/A in 2020		
	a. Compare this date to the date of the submission of the RROF and the date of the signed HUD-7015.16.				N/A in 2020		

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b. Document all discrepancies.	-			N/A in 2020
I. Include in the workpapers a copy of one correctly completed record and documents to support errors disclosed on other records. The documented errors will need to be corrected.				N/A in 2020
J. Based on the number of errors, determine if expanding the sample size is appropriate.				N/A in 2020
IX. Environmental Assessments				-
A. If an activity is not exempt or categorically excluded, an Environmental Assessment (EA) must be completed.	24 CFR 58.36 24 CFR 58.40 thru 58.47			Read & Noted
B. Typical activities that require environmental assessments include:				Read & Noted
Generally, new construction of 5 or more homes, or				Read & Noted, in 2020 we have continued predevelopment activites under this catagory for the 34 th St Housing Development. A seperagte ERR for that project was conducted in previous years.
2. Any activity involving the conversion from one type of land use to another.				Read & Noted

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C. Verify that the EA is adequately documented with the following:				Read & Noted
Completed the HUD Recommended Format for Projects that Require an Environmental Assessment or an equivalent assessment format for each project or activity on the list requiring an EA.		Contact Area ONAP for format sample		Reviewed the complete EA for our revised design and found it to be complete and accurate.
D. Review and document each project description to ensure that it adequately describes the project and the activities.		<u></u>		We reviewed our revised EA and the revised project description included was complete and accurate for our current project.



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	1. Interview the project manager and other personnel.				Done – interviewed Housing Director.
	2. Obtain an adequate project description if the documented description is not sufficient.		See Attached		N/A – Description is adequate Our revised project description in the revise EA was also submitted to HUD in our request for a revised RROF on HUD 7015.15, dated 2019-12-03, which was approved on 2020-01-07.
	3. Ensure the additional information is added to the file.				Read & Noted N/A – Description is adequate
	4. The ERR is <u>not</u> considered complete or adequate if an adequate description is not provided.				Read & Noted N/A – Description is adequate
	5. This should be counted as an error and should be corrected.				Read & Noted N/A – Description is adequate
	Determine if the responsible entity (the tribe) reviewed the compliance with the applicable regulatory requirements.	24 CFR 58.6			The Housing Director, HHS Director, Planning Director, Controller, Compliance Officer, and General manager all have access to ERR training materials such as the flowchart that offer adequate guidance and citations for the requirements.
	If there is not adequate documentation of this review:				Read & Noted



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	a. Obtain a copy of the Sample Statutory Checklist for Projects that Require an Environmental Assessment,	24 CFR 58.3 5(b)	Contact Area ONAP for sample		Read & Noted, examples from the HUD ER training were used and the statutory checklist chart is available for review.
	b. Complete the Statutory Checklist for Projects that Require an Environmental Assessment and include it in the records for each project or activity in this category.				Complete statutory checklists are integrated into the HUD format used for the EA and FONSI and are on file with adequate supporting documentation.
F.	Does the ERR include the complete EA Format (including a statutory checklist)?				Yes.
G.	Was the HUD-recommended format used?				Yes.
Н.	Were recognized authoritative sources used to support the conclusions reached?				Yes.
I.	Did the EA result in a Finding of No Significant Impact (FONSI)?	24 CFR 58.40(g)(1)			Yes, the revised EA for the new project description did result in a FONSI.
	1. If so, obtain a copy of the FONSI.		See Attached		We reviewed the FONSI
J.	Was there adequate public notice for the FONSI - Notice of Intent to Request a Release of Funds (NOI/RROF)? Note: a combined notice is normally used; however, separate notices may be used.	24 CFR 58.43	See Attached		Yes, 15 days for comment was given for the revised FONSI/NOI for the revised project descritpion.



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	1. Review the FONSI-NOI/RROF. Was the recommended HUD format or an equivalent used?	<u>Citation</u>	See Attached		The HUD format was used
2	2. Obtain a copy of the actual notice and affidavit of publication or evidence of posting.		See Attached		Yes, actual notice appeared on 10/30/2019 with Skagit Publishing – AA-1959800.
	3. If the certifying officer is someone other than the CEO of the tribe, ensure:				N/A – evidence of posting in file
	a. the certifying officer is properly designated, and				N/A – evidence of posting in file
	b. the information is adequate and accurate.				N/A – evidence of posting in file
4	 Determine if adequate time was provided for public comment. 	24 CFR 58.45			Yes, 15 days as required.
1	Determine if the RROF was submitted to ONAP and if the Form HUD-7015.16, Authority to Use Grant Funds, was provided prior to the obligation or expenditure of funds for the project.	24 CFR 58.71	See Attached		Yes, submitted 12-03-2019
	1. Obtain a copy of the HUD-7015.16 and ensure that it is signed by ONAP.	24 CFR 58.72(a) and 58.77(a)			Read & Noted



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2.	Determine the date HUD or other funds were obligated or expended on each activity.		See Attached		RROF was signed by HUD representative and issued on 1/7/2020
	a. Obtain a copy of the accounting records and supporting documentation for the first expenditure or obligation for the project.		See Attached		Once we recognizzed a revised project description was going to be needed, we halted all work and payment under the project until the revised project EA and RROF were complete and in place; The revised RROF was issued on 1/7/2020, and then we again began making payments for Architectual work on 1/10/2020. and also began re-negotiation of our scope of work with Travoi, our architect, to incorporate the new project description with Amendment #1 on 5/1/2020.
	b. Compare this date to the date of the submission of the RROF and the date of the signed HUD-7015.16				Read & Noted
	c. Document all discrepancies.				N/A – no discrepencies
3.	If the first expenditure or obligation is after the date of the signed HUD-7015.16, no further review is necessary.				Noted- Review now complete
4.	If the first expenditure/obligation is prior to the date of the signed HUD-7015.16 (except for option agreements				N/A – review complete



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	under of 24 CFR § 85.22(d)):				
	a. determine if it occurred prior to the submission date of the RROF,				
	b. determine the total amount expended or obligated prior to the submission and/or execution dates as compared to the total expenditures for the grant, and				N/A – review complete
	ain and retain copies of documentation to port the determinations.				N/A – review complete
	te EA was not completed properly, this to be corrected.				N/A – review complete
1.	Deficiencies are to be included in the summary.				N/A – review complete
	ermine if the necessary mitigating actions e been completed.				N/A – review complete
1.	Are mitigating actions included in the ERR?				N/A – review complete
2.	If there were mitigating actions, were they included in any contract documents or scope of work?				N/A – review complete



Environmental Review Compliance Monitoring Plan (Recipient)

2020

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		Regulatory/ Statutory Citation	Other Tools	<u>Ref.</u> <u>Pg.</u>	<u>Remarks</u>	
X.	Environmental Impact Statement				-	
A.	Determine if an Environmental Impact Statement (EIS) was required.	24 CFR 58.37 24 CFR Part 58, Subparts F and G			N/A in 2020	
В.	Was a Notice of Intent (NOI) to prepare an EIS published?				N/A in 2020	
	1. Obtain a copy of the publication, along with an affidavit of publication.				N/A in 2020	
	2. Was the NOI also sent to interested individuals, local, state, and federal agencies, including Headquarters and the appropriate regional office of the Environmental Protection Agency?				N/A in 2020	
C.	Was a draft EIS prepared?				N/A in 2020	
	1. Review the EIS.				N/A in 2020	
	2. Document the workpapers with photocopies and other evidential matter that is available.				N/A in 2020	
	3. Summarize the results of the review.		+		N/A in 2020	
D.	Did the draft EIS result in receipt of public comments?			1	N/A in 2020	



Environmental Review Compliance Monitoring Plan (Recipient)

2020

TRIBE/TDHE NAME:	Regulatory/ Statutory Citation	Other Tools	<u>Ref.</u> <u>Pg.</u>	<u>Remarks</u>
1. If comments were received, did the recipient prepare a supplemental draft EIS?				N/A in 2020

26 10/4/12



Environmental Review Compliance Monitoring Plan (Recipient)

					2020	
TR	IBE/TDHE NAME:	Regulatory/ Statutory Citation	Other Tools	<u>Ref.</u> <u>Pg.</u>	<u>Remarks</u>	
	2. Was the supplemental draft disseminated in the same manner as the draft EIS?				N/A in 2020	
E.	Was a final EIS prepared?				N/A in 2020	
	Was the HUD-recommended format or an equivalent?				N/A in 2020	
	2. Was the final EIS sent to ONAP?				N/A in 2020	
	3. If substantial changes were made to the project after preparation of the final EIS, was a final supplemental EIS prepared?				N/A in 2020	
F.	Were there at least 60 days for comments after publishing the final or supplemental final EIS and prior to preparing a Record of Decision?				N/A in 2020	
	1. Was the supplemental draft disseminated in the same manner as the draft EIS?				N/A in 2020	
G.	Document the reasoning for a determination of compliance/noncompliance for each ERR reviewed.				N/A in 2020	
Н.	If it is determined that any of the ERRs are not in compliance and a 100 percent review was not completed, expand the review.				N/A in 2020	



Environmental Review Compliance Monitoring Plan (Recipient)

TRIB	E/TDHE NAME:	Regulatory/ Statutory Citation	Other Tools	<u>Ref.</u> <u>Pg.</u>	<u>Remarks</u>
XI.	Summary				-
Development Develo					Program in compliance and no areas of weakness found.
2.	Violations of the applicable statutes, regulations, or local laws and authorities				
3.	Corrective actions that should be taken to address programmatic concerns				

Reviewer Name:	Sharon Paskewitz	On Part	09-17-2020
Review Date(s):	9/17/2020		
Supervisor Name:	Carry Thusan 9	-24-2020	



Motion: 2018-03-023 Resolution: 2018-03-012

Date Approved: March 21, 2018 Subject: Design/Development Firm Contract and Cost Proposal for Mixed Income Housing Project

- WHEREAS, the Samish Indian Nation was Federally re-acknowledged by the Assistant Secretary of the Department of the Interior of the United States of America on April 6, 1996; and
- WHEREAS, the Samish Tribal Council is empowered to act on behalf of the Samish Indian Nation pursuant to Article VI, Section 2, of the Samish Tribal Constitution, approved November 14, 2003, by Resolution of the Samish Tribal Council and adopted and ratified by Vote of the Samish General Council on March 2, 2004 and recognized by the Assistant Secretary for Indian Affairs, David W. Anderson on April 20, 2004; and
- WHEREAS, the health, safety, welfare and education of the Indian people of the Samish Indian Nation is the responsibility of the Tribal Council of the Samish Indian Nation; and
- WHEREAS, the Samish Tribal Council has determined that it is in the best interest of the tribe to develop mixed income housing; and
- WHEREAS, the Samish Tribal Council approved the selection of Travois Design, development/design consulting firm on March 17, 2018, resolution 2018-01-009, for Mixed-Income Housing with the understanding that Council will need to approve the actual contract and cost proposal.
- THEREFORE, BE IT RESOLVED the Samish Tribal Council hereby approves the attached Contract Document and Cost Proposal plus contingency in the amount of \$236,500, which is \$215,000 for the contract from Travois Design plus an additional 10% for contingency, in the amount not to exceed \$21,500, for any unforeseen items that could arise. Contingencies may include, but are not limited to, additional permits and travel costs for Architect and Civil Engineer to be on site during construction that have not already been considered in the proposal.
- **BE IT FURTHER RESOLVED** Samish Tribal Council approves of 50% of the cost for this process as follows, up to \$107,500 for design work and a ten percent contingency of up to \$10,750, for a total of up to \$118,250 from Tyee 34th Street Development 15-6840-15950-1801-14180.

Resolution: 2018-03-012 PHONE: (360) 293-6404 • FAX: (360) 299-0790 • www.samishtribe.nsn.us Page 1 of 2



SAMISH TRIBAL COUNCIL

Bv.

Thomas D. Wooten Tribal Chairman

CERTIFICATION

The above resolution was duly adopted by the Samish Tribal Council via a special conference call Council meeting held on Wednesday, March 21, 2018, at which time a quorum was present by a vote of:

5 FOR 0 AGAINST 1 ABSTAIN.

Certified by: Dana m. matter

Dana M. Matthews Tribal Council Secretary

Resolution: 2018-03-012 PHONE: (360) 293-6404 • FAX: (360) 299-0790 • www.samishtribe.nsn.us Page 2 of 2



U.S. Department of Housing and Urban Development

451 Seventh Street, SW Washington, DC 20410 www.hud.gov

espanol.hud.gov

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

Project Information

Project Name:

34th Street Housing Project

Responsible Entity:

Samish Indian Nation

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Anacortes, Washington (Skagit County)

Preparer:

Ryan Walters, Planning & Community Development Director

Certifying Officer Name and Title: Thomas D. Wooten, Tribal Chairman

Grant Recipient (if different than Responsible Entity):

Consultant (if applicable): n/a

Direct Comments to:

Ryan Walters, Planning & Community Development Director Samish Indian Nation PO Box 217 Anacortes WA 98221 rrwalters@samishtribe.nsn.us

Project Location:

2109 34th Street, Anacortes, Washington. Skagit County tax parcel ID P32217.

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

The Samish Indian Nation proposes to build up to 20 housing units on approximately two acres of vacant land at 2109 34th Street (Skagit County tax parcel ID P32217), within the corporate boundaries of the City of Anacortes. Approximately half of the housing units would be designated affordable permanent housing for low-income households and would be funded with Indian Housing Block Grant (IHBG) dollars. The other half of the housing units would not be constrained by funding sources and could be rented at market rates.

The project would also include amenities intended for use by the residents of the development, including a community center building, common open space areas including a small playground and fire pit, and landscaped areas.

Construction would be wood frame and equipped with residential sprinkler systems. Between 4-8 units would be constructed for full ADA accessibility, but all units would be built to ADA dimensional standards for easy conversion to full ADA accessibility.

Parking would be provided for residents and their guests consistent with city standards, which are expected to be between 1.2 and 2.0 parking spaces per housing unit, and a minimum of 1 guest space per four housing units.

There would be a single point of ingress and egress onto the existing constructed 34th Street, a city street, which would be upgraded to full city standards. Roads and accesses internal to the site would be owned by the Tribe.

Stormwater within the development would be managed consistent with city standards and the National Pollutant Discharge Elimination System Phase II permit for Western Washington and the state Department of Ecology's 2012 Stormwater Management Manual for Western Washington, amended 2014. Stormwater management would likely include a detention pond in the northeast corner of the property.

While most of the site would be cleared, significant trees would be retained on the eastern property boundary within the city's standard zoning setback to help comply with the city's tree preservation requirements. Landscaping would be provided between the development and adjacent land uses, notably to the west. The project would also improve a degraded buffer for the Class IV wetland that is on the adjacent property, and would protect the buffer with a split-rail fence.

The development may take place in multiple phases, with all site work, including grubbing, grading, and utility installation, expected to be completed in the first phase. Electrical, water, and sewer utilities to all building sites will be installed underground.

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

The primary cause of homelessness is a lack of affordable housing. Over five million low-income households have serious housing problems due to high housing costs, substandard housing conditions or both.

Anacortes and Fidalgo Island, which is traditional territory of the Samish Indian Nation, has had a sustained low rental vacancy rate of less than 1%.

Recent studies have shown that, across the nation, Native Americans and Alaska Natives (AI/AN) are disproportionately affected by homelessness, but because of cultural differences, Native homelessness can look very different and can be hard to assess.

The proposed project seeks to address this gap by offering affordable, decent, and safe housing.

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

The parcel is open land that formerly contained a residence and was used for grazing. There are currently no structures on the site. The site is mostly flat with a low slope toward the northeast. See also the Phase 1 Environmental Site Assessment (2017) prepared by Element Solutions.

Funding Information

Grant Number	HUD Program	Funding Amount
55IT5313870	NAHASDA	\$1,750.000

Estimated Total HUD Funded Amount: \$1,750,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$3,500,000

If the total project cost exceeds this amount, the remainder of the cost will also be funded 50% with HUD funds.

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATI	ONS LISTED AT 24 CFR 5	0.4 and 58.6
Airport Hazards 24 CFR Part 51 Subpart D	Yes No	The project site is not within 2500 ft of a civilian airport nor within 15,000 feet of a military airport. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes 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]	Yes 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 REGULATI	ONS LISTED AT 24 CFR 5	0.4 & 58.5
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No	The project's county or air quality management district is in attainment status for all criteria pollutants.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No	The project occurs within Washington's coastal zone and is subject to the CZMA. WA State Dept of Ecology has determined the project is consistent with the CZMA. See Letter from Ecology dated April 26, 2019.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No	The ASTM Phase I Environmental Site Assessment determined that there are no on-site or nearby toxic, hazardous, or radioactive substances that could affect the health or safety of project occupants or conflict with the intended use of the property.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No	This project will have No Effect on listed species due to the nature of the activities involved in the project and the absence of listed species in the project area. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No	The City of Anacortes and Anacortes School District operate a joint maintenance facility approximately 1000 ft south of the proposed project's property boundary that includes a 1000-gallon and a 500-gallon storage tank. Based on the HUD <u>Acceptable Separation Distance Tool</u> , the required distance to 1,500 gallons of propane is 327 ft. No mitigation is required.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No	The project includes activities that could convert agricultural land to a non-agricultural use, but "prime farmland," "unique farmland," or "farmland of statewide or local importance" regulated under the Farmland Protection Policy Act does not occur on the project site. As documented in the ASTM Phase I Environmental Site Assessment, the subject property does not contain agricultural land or soil types that are suitable for agriculture. The project is in compliance with the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No	The subject property does not occur within a floodplain.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No	Section 106 review has been performed. Washington State Dept of Archaeology and Historic Preservation concurs with the Tribe's THPO on an inadvertent discovery plan.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No	Preliminary screening indicates potential noise generators within threshold distances, but measured noise levels at the subject property is 50-55 decibels, which is quieter than an average restaurant conversation. 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	Yes No □ ⊠	The subject property is not located on a designated sole source aquifer, will not draw water from the aquifer, and will infiltrate all stormwater on site consistent with historic levels. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No	No wetlands will be impacted by the proposed project. A degraded wetland buffer will be improved. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No	The proposed project is not within proximity of a designated National Wild and Scenic River System river.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. All conditions, attenuation or mitigation measures have been clearly identified.

Impact Codes: Use an impact code from the following list 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
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The proposed project will be an outright permitted use under the City's 2019 development regulations and will require no special/conditional land use approvals. Properties to the south are developed as multi-family residential condos and apartments. Properties to the north, east, and west are developed as single-family residential homes. The proposed project design will fit the existing neighborhood and provide a transition from the existing lower density to the north and the existing high density to the south.
	3	Buildings will be single-story, consistent with the adjacent low-density residential. The property is largely flat, and the proposed project will not impact views. The proposed project will upgrade 34th Street, improving access for the few houses on that road.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The NRCS soil characteristics are Coveland gravelly loam, at 0 to 3% slopes. See Phase 1 Environmental Assessment, Element Solutions, September 6, 2017.
		The project will be required to fully comply with the City's NPDES Phase II permit for Western Washington and with the Washington Department of Ecology's current Stormwater Manual, which generally requires no change in natural or pre-existing drainage patterns from the site.
Hazards and Nuisances including Site Safety and Noise	2	The proposed project will not have significant effects related to construction activity but will be typical of construction effects throughout the State, including sidewalk closures, fugitive dust and construction noise. The project will meet all requirements of the Occupational Safety and Health Administration (OSHA). The proposed development will not cause or contribute to hazards or nuisances for surrounding properties or residents, nor are adverse noise conditions evident. The proposed site plan includes significant landscaping throughout the site and tree retention on the east side.
Energy Consumption	2	No aspect of the project results in abnormally high energy consumption. All project construction will fully comply with the required Washington State Energy Code. Additionally, the project will seek utility incentives to purchase and install highefficiency appliances and HVAC systems. The project will utilize programmable thermostats, occupancy sensors in common areas, and other energy-saving devices.
SOCIOECONOMIC		
Employment and Income Patterns	1	Construction of the 20 (or fewer) new housing units will have a minor beneficial impact on the construction sector of the local economy during construction. The additional housing stock will have a beneficial impact on the low-income community.
Demographic Character Changes, Displacement	2	The addition of 20 (or fewer) housing units in this area will not have a significant impact on the existing neighborhood characteristics. While half the units are targeted at low-income or disabled residents, the other half will be available at market rate. The project will not create access barriers for any particular neighborhood or population group. The project is not associated with displacement; the project area is not currently developed.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICE	CES	
Educational and Cultural Facilities	2	The project will not impact the capacity of existing education and cultural facilities in surrounding neighborhood. An elementary school, middle school, high school, and the Tribe's own Head Start and early childhood care facility are all within about a mile. The project site is served by local school district bus routes.
	3	The project will include a community building capable of hosting cultural and educational services and events offered by the Tribe's health and social services.
		Fixed-route transit service is not available to the project site, but Skagit Transit paratransit service is available to qualifying individuals. See https://www.skagittransit.org/additional-services/dial-a-ride/
Commercial Facilities	2	No commercial facilities are located within easy walking distance of the proposed development. The closest major grocery store, The Market at Anacortes, is a 1.7-mile drive. The walkable downtown core is 2.2 miles away. Skagit Transit provides paratransit service to qualifying individuals. The local Safeway grocery offers delivery via Instacart. The project will provide free internet access to low-income residents.
Health Care and Social Services	2	The increased population from the proposed development will be easily absorbed by the City's area health care services. The City's hospital is located 1.3 miles from the project site.
Solid Waste Disposal / Recycling	2	The City of Anacortes provides and mandates trash and recycling service for residential properties within the city limits. The project will also provide food/yard waste service.
Waste Water / Sanitary Sewers	2	The project will be connected to municipal sanitary sewer system with sufficient capacity to serve the project.
Water Supply	2	The project will be connected to municipal drinking water system with sufficient capacity to serve the project.
Public Safety - Police, Fire and Emergency Medical	2	The City's police station is within 1.3 miles. The main fire station is within 2.1 miles. Fire/emergency medical response time to the project location is less than five minutes.

Environmental Assessment Factor	Impact Code	Impact Evaluation
Parks, Open Space and Recreation	1	The project will include substantial common open space areas with each of four units clustered around them. It will also include a community building with fire pit and children's play area, and fenced buffer around the off-site wetland.
		The project site is about a 1.1-mile drive from the Anacortes Senior Center and the Fidalgo Pool and Fitness Center, and a five-minute walk to the Anacortes Community Forest Lands. A major park, Storvik Park, which includes a walking track and multiple children's play areas, is less than a mile.
Transportation and Accessibility	2	The project site may be served by paratransit service provided by Skagit Transit for qualified individuals. No fixed route transit service is available. The project site is served by local school district bus routes.
		Major City streets serving the project area feature bike lanes. The project will include garages or carports for each residential unit to securely store bikes out of the weather.
NATURAL FEATURES		Special state
Unique Natural Features, Water Resources	2	There are no unique natural features on or adjacent to the project site. A category IV wetland is on an adjoining parcel, and will be protected by a 40-ft average buffer and split-rail fence, as required by City code. There are no surface water bodies on the project site. The project will not withdraw groundwater, and pre-existing infiltration rates will continue through pervious surfaces and application of the City's required NPDES/stormwater regulations.
Vegetation, Wildlife	2	The subject property is largely open field with no high-value plant or animal species. The project will permanently protect a 40-ft average buffer around the Category IV wetland on the adjoining property. Through application of the City's tree retention code, the project will preserve mature trees along the eastern property boundary, and plant new native vegetation in common open space areas.
Other Factors	2	No other property concerns have been identified. See, e.g, Phase 1 Environmental Site Assessment.

Additional Studies Performed:

Phase 1 Environmental Site Assessment (2017), Element Solutions

Field Inspection (Date and completed by):

• Jeff Ninnemann, LG Environmental Geologist (Element Solutions) visited the site on August 25, 2017.

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

- Therese (Terry) Swanson, Coastal Zone Management Program Advisor, SEA Program, Dept of Ecology
- · Ryan McReynolds, U.S. Fish and Wildlife Service, Consultation & Conservation Planning Division, Lacey WA
- Libby Grage, City of Anacortes, Planning & Community Development Department, Anacortes WA
- Endangered Species Act: Consultation Guidance for Washington State, USFWS, May 2018
- Phase 1 Environmental Site Assessment (2017), Element Solutions

List of Permits Obtained:

No permits have been obtained yet for the project. The project is subject to ordinary local and state permitting.

Public Outreach [24 CFR 50.23 & 58.43]:

Legal notice will be published in the Skagit Valley Herald newspaper after completion of this EA. A notice was previously published on September 12, 2017.

Cumulative Impact Analysis [24 CFR 58.32]:

The analyzed project is the only project at or near this location currently being considered by the Tribe.

The nature and size of this small-scale suburban residential redevelopment should result in no or minimal impacts on the environment. The small population increase will have a negligible impact on school capacity, road systems, public services, traffic-related noise generation, etc. There are no current or anticipated major developments in the project area that would generate traffic congestion or related noise, or other adverse impacts on the project.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9] Possible alternatives to this project

No Action Alternative [24 CFR 58.40(e)]:

The no-action alternative is to not build the proposed housing, or other types of housing, at this location. In that event, the Tribe would be forced to sell the property, and the most likely outcome is that a private developer would then develop the property for high-value homes that would have no social benefit, e.g., no affordable housing benefit to the community.

Summary of Findings and Conclusions:

Based on the above information, the project as proposed will not result in a significant impact on the quality of the human environment. After thorough investigation, we have found no evidence of negative impacts that might require mitigation.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below 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
n/a	

-	500								
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	icant Impact [24 CFR 58.4 a significant impact on the quantity is significant impact on the quantity is significant impact on the quantity is significant.	e0(g)(1); 40 CFR 1508.27] uality of the human environment.
Finding of Significantly The project may significantly	nt Impact [24 CFR 58.40(g)] affect the quality of the hum	
Preparer Signature:	n Walter	Date: 10/28/17
Name/Title/Organization:	Ryan Walters	Community Development

Certifying Officer Signature:

Name/Title/Organization:

Tom Wooten Chairman

Samish Indian Nation

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Date:/0/29/19

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development Office of Community Planning and Development OMB No. 2506-0087 (exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. I	Program Descript	ion and Request	for Release of	Funds (to be c	ompleted by	Responsible Entity)
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1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number
34th Street Housing Project	55IT5313870	(optional)
4. OMB Catalog Number(s) CFDA14.867	5. Name and address of responsible e	entity
6. For information about this request, contact (name & phone number)	Samish Indian Nation PO Box 217	
Sharon Paskewitz, (360) 726-3366	Anacortes, Washington 9	8221
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if d	ifferent than responsible entity)
Northwest Office of Native American Programs 909 First Avenue, Suite 300 Seattle, WA 98104-1000		
The recipient(s) of assistance under the program(s) listed above a grant conditions governing the use of the assistance for the follow		removal of environmental
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, cou	nty, State)
34th Street Housing Project	2109 34th Street, Anacortes, V Skagit County Tax parcel ID P32217.	Vashington.

11. Program Activity/Project Description

See Attached abstract of the description of the proposed project.

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$3,500,000. This project will be funded 50% under NAHASDA for an estimated contribution of \$1,750,000. Samish Tribal Council will be contributing the other 50% totaling \$1,750,000 from tribal discretionary funding.

If the total project cost exceeds this amount, the remainder of the cost will also be funded in a 50% split between NAHASDA and tribal discretionary funds.

If additional funding resources are incorporated into the project at a later time, HUD will be notified as required and the contribution of NAHASDA and Samish discretionary funds will be reduced in equal portions.

Part 2. Environmental Certification (to be completed by responsible entity)		
With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:		
1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.		
The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.		
The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.		
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.		
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.		
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.		
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.		
As the duly designated certifying official of the responsible entity, I also certify that:		
8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.		
 I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity. 		
Signature of Certifying Officer of the Responsible Entity Title of Certifying Officer Tribal Chairman		
Date signed		
x hand the 3 2019		
Address of Certifying Officer		
2918 Commerical Avenue, Anacortes, WA 98221		
Part 3. To be completed when the Recipient is not the Responsible Entity		
The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).		
Signature of Authorized Officer of the Recipient Title of Authorized Officer		
Date signed		
X		
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)		

Program Activity/Project Description:

The Samish Indian Nation proposes to build up to 20 housing units on approximately two acres of vacant land at 2109 34th Street (Skagit County tax parcel ID P32217) within the corporate boundaries of the City of Anacortes, which was purchased under the RROF currently in place. Approximately half of the housing units would be designated affordable permanent housing for low-income households and would be funded with Indian Housing Block Grant (IHBG) dollars. The other half of the housing units would not be constrained by funding sources and could be rented at market rates.

The project would also include amenities intended for use by the residents of the development, including a community center building, common open space areas including a small playground and fire pit, and landscaped areas.

Construction would be wood frame and equipped with residential sprinkler systems. Between 4-8 units would be constructed for full ADA accessibility, but all units would be built to ADA dimensional standards for easy conversion to full ADA accessibility.

Parking would be provided for residents and their guests consistent with city standards, which are expected to be between 1.2 and 2.0 parking spaces per housing unit, and a minimum of 1 guest space per four housing units.

There would be a single point of ingress and egress onto the existing constructed 34th Street, a city street, which would be upgraded to full city standards. Roads and accesses internal to the site would be owned by the Tribe.

Stormwater within the development would be managed consistent with city standards and the National Pollutant Discharge Elimination System Phase II permit for Western Washington and the state Department of Ecology's 2012 Stormwater Management Manual for Western Washington, amended 2014. Stormwater management would likely include a detention pond in the northeast corner of the property.

While most of the site would be cleared, significant trees would be retained on the eastern property boundary within the city's standard zoning setback to help comply with the city's tree preservation requirements. Landscaping would be provided between the development and adjacent land uses, notably to the west. The project would also improve a degraded buffer for the Class IV wetland that is on the adjacent property and would protect the buffer with a split-rail fence.

The development may take place in multiple phases, with all site work, including grubbing, grading, and utility installation, expected to be completed in the first phase. Electrical, water, and sewer utilities to all building sites will be installed underground.



Memorandum

FROM: Ryan Walters, Planning and Community Development Director

DATE: November 27, 2019

RE: Environmental Review of 34th Street Housing Project

The Samish Indian Nation (the "Tribe") performed environmental review under the National Environmental Policy Act ("NEPA") on its proposed housing project at 34th Street and D Ave in Anacortes, Washington. Because the project is not categorically exempt under NEPA, the Tribe performed an Environmental Assessment, which resulted in a Finding of No Significant Impact (a "FONSI").

On October 30, 2019, the Tribe issued a notice that included a Notice of Intent to Request a Release of Funds from HUD and a Notice of Finding of No Significant Impact that solicited comments from the public. The notice appeared in both the Skagit Valley Herald and the Anacortes American newspapers on October 30, 2019. As of November 27, no comments have been received.

Ryan Walters, JD, AICP

Director of Planning and Community Development

Samish Indian Nation

SKAGIT PUBLISHING C/O ISJ PAYMENT PROCESSING CENTER PO BOX 1570 POCATELLO ID 83204-1570 (360)424-3251 Fax (360)416-2161

ORDER CONFIRMATION

Printed at 10/25/19 10:39 by jka30

Last Changed: jka30 10/25/19 10:39

	Acct #: 21	10612	Ad #: 1959800	Status: New
SAMISH INDIAN NATION PO BOX 217 ANACORTES WA 98221		7	Start: 10/30/2019 Times Ord: 1 STDS 1.00 X 23.13 Total STDS 23.50 Class: 0001 LEGAL Rate: AAOR # Affidavits: 1	Words: 617
	Contact: Phone: Fax#: Email:	(360)293-6404 (360)299-0790 thorton@samishtribe.nsn.us	Ad Descrpt: AA-1959 Given by: * P.O. #: Created: jka30	9800

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 1 Wed 10/30/19
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Salesperson: JEANETTE MOODY

Agency:

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type) Name (signature)

(CONTINUED ON NEXT PAGE)

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Notice of Finding of No Significant Impact and **Notice of Intent** to Request Release of Funds

October 30, 2019

Samish Indian Nation PO Box 217 2918 Commercial Ave Anacortes WA 98221 360-293-6406

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ministrative Headquarters Federal agency acting purat 2918 Commercial Ave, suant to 40 CFR Part 1504 Anacortes, Washington, has submitted a written and may be examined orfinding that the project is copied weekdays 9:00 a.m.unsatisfactory from the standpoint of environmental to 4:30 p.m. quality. Objections must be

comments on the ERR to shall be Notice they are addressing. Thomas D. Wooten

PUBLIC COMMENTS prepared and submitted in accordance with the re-Any individual, group, or quired procedures (24 CFR agency may submit written Part 58, Sec. 58.76) and addressed to the Tribe's General Manag-NWONAP Administration er at the address above. All Office at 909 First Avenue, comments received by Suite 300, Seattle WA November 15 will be con-98104-1000. Potential obsidered by the Samish Indi-jectors should contact These notices satisfy two an Nation prior to authoriz-NWONAP to verify the actuseparate but related proce-ing submission of a request all last day of the objection

> Tribal Chairman Samish Indian Nation

Published

REQUEST FOR RELEASE OF FUNDS

ENVIRONMENTAL CERTIFICATION

On or about at least one The Samish Indian Nation day after the end of the certifies to NWONAP that comment period Samish Indian Nation will capacity as Tribal Chairman submit a request to the consents to accept the ju-Northwest Office of Native risdiction of the Federal Programs Courts if an action is (NWONAP), U.S. Depart-brought to enforce responment of Housing and Urban sibilities in relation to the Development for the re-environmental review pro-lease of funds under the cess and that these respon-Native American Housing sibilities have been satis-Assistance and Self Deter-fied. NWONAP's approval mination Act (NAHASDA) of of the certification satisfies 1996, as amended, to un-its responsibilities under dertake a project known as NEPA and related laws and "the Samish Indian Nation's authorities and allows the Low and Mixed Income Samish Indian Nation to use Housing Project for the Program funds. purpose of providing housing for elderly, disabled, members, and other tribal RELEASE OF FUNDS members, at 2109 34th
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FINDING OF NO

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OBJECTIONS TO

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SKAGIT PUBLISHING C/O ISJ PAYMENT PROCESSING CENTER PO BOX 1570

POCATELLO ID 83204-1570 (360)424-3251 Fax (360)416-2161

ORDER CONFIRMATION

Salesperson: JEANETTE MOODY	Printed at 10/25/19 10:41 by jka30
Acct #: 210612	Ad #: 1959803 Status: New
SAMISH INDIAN NATION PO BOX 217 ANACORTES WA 98221	Start: 10/30/2019 Stop: 10/30/2019 Times Ord: 1 Times Run: *** STDS 1.00 X 23.13 Words: 617 Total STDS 23.50 Class: 0001 LEGAL NOTICES Rate: SVHOR Cost: 378.82 # Affidavits: 1
Contact: Phone: (360)293-6404 Fax#: (360)299-0790 Email: thorton@samishtribe.nsn.us Agency:	Ad Descrpt: SVH-1959803 Given by: * P.O. #: Created: jka30 10/25/19 10:40 Last Changed: jka30 10/25/19 10:41
PUB ZONE EDT TP START INS STOP SVH A 97 W Wed 10/30/19 1 Wed SVWN A 97 W Wed 10/30/19 1 Wed	

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type) Name (signature)

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This ad has been reformatted for proofing purposes. Column breaks are not necessarily as they will appear in publication.

Notice of Finding of No Significant Impact and **Notice of Intent** to Request Release of Funds

October 30, 2019

Samish Indian Nation PO Box 217 2918 Commercial Ave Anacortes WA 98221 360-293-6406

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Headquarters Federal agency acting purministrative at 2918 Commercial Ave, suant to 40 CFR Part 1504 Anacortes. Washington, has submitted a written and may be examined orfinding that the project is copied weekdays 9:00 a.munsatisfactory from the to 4:30 p.m.

standpoint of environmental quality. Objections must be PUBLIC COMMENTS prepared and submitted in accordance with the re-

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> Tribal Chairman Samish Indian Nation

> > **Published** October 30, 2019 SVH-1959803

REQUEST FOR **RELEASE OF FUNDS**

ENVIRONMENTAL CERTIFICATION

day after the end of the certifies to NWONAP that period Samish Indian Nation will capacity as Tribal Chairman submit a request to the consents to accept the ju-Northwest Office of Native risdiction of the Federal (NWONAP), U.S. Depart-brought to enforce responment of Housing and Urban sibilities in relation to the Development for the re-environmental review prolease of funds under the cess and that these respon-Native American Housing sibilities have been satis-Assistance and Self Deter-fied. NWONAP's approval mination Act (NAHASDA) of of the certification satisfies 1996, as amended, to un-its responsibilities under dertake a project known as NEPA and related laws and "the Samish Indian Nation's authorities and allows the Low and Mixed Income Samish Indian Nation to use Housing Project" for the Program funds. purpose of providing housing for elderly, disabled, and low-income tribal members, and other tribal RELEASE OF FUNDS members, at 2109 34th Street (near the intersection NWONAP will accept obwith D Avenue), in Ana-jections to its release of cortes, Washington. The fund and the Samish Indian project will be funded 50% Nation's certification for a by HUD and 50% by the period of fifteen days fol-Samish Indian Nation's own lowing the anticipated subfunds, and is currently ex-mission date or its actual

FINDING OF NO

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OBJECTIONS TO

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To: Ferguson, Sandel

Cc: Jenna Burnett; Dana Matthews

Subject: Samish Indian Nations Request for Release of Funds

Date: Wednesday, December 4, 2019 8:39:32 AM

Attachments: SAMISH - Request for Release of Funds with Support- 2019-12-03.pdf

image001.png image002.png

Good Morning Sandel

Please find attached Samish Indian Nations request for release of funds and certification. All required documents for this request have been attached. Should you have any questions and/or need additional information, please contact me directly. Thank you.

Sharon Paskewitz Housing Director - Samish Indian Nation

PO Box 217, 715 Seafarers Way, Suite 103, Anacortes, WA 98221

Office: 360-726-3366 ext. 3366 | E-mail: spaskewitz@samishtribe.nsn.us

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From: <u>Ferguson, Sandel</u>
To: <u>Sharon Paskewitz</u>

Cc: Jenna Burnett; Dana Matthews

Subject: RE: Samish Indian Nations Request for Release of Funds

Date: Wednesday, December 4, 2019 9:35:49 AM

Attachments: <u>image001.png</u>

image003.png

Thanks, Sharon. We'll circle if needed.

Sincerely,

Sandel Ferguson

Grants Management Specialist NwONAP (206) 220-6673

From: Sharon Paskewitz <spaskewitz@samishtribe.nsn.us>

Sent: Wednesday, December 04, 2019 8:39 AM **To:** Ferguson, Sandel <Sandel.Ferguson@hud.gov>

Cc: Jenna Burnett < jburnett@samishtribe.nsn.us>; Dana Matthews

<dmatthews@samishtribe.nsn.us>

Subject: Samish Indian Nations Request for Release of Funds

Good Morning Sandel

Please find attached Samish Indian Nations request for release of funds and certification. All required documents for this request have been attached. Should you have any questions and/or need additional information, please contact me directly. Thank you.

Sharon Paskewitz Housing Director - Samish Indian Nation

PO Box 217, 715 Seafarers Way, Suite 103, Anacortes, WA 98221

Office: 360-726-3366 ext. 3366 | E-mail: spaskewitz@samishtribe.nsn.us

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U.S. Department of Housing and Urban Development Northwest Office of Native American Programs Federal Office Building 909 First Avenue, Suite 300, 0API Seattle, WA 98104-1000

January 7, 2020

Honorable Thomas D. Wooten Tribal Chairman Samish Indian Nation PO Box 217 Anacortes, WA 98221

Dear Chairman Wooten:

Subject: 34th Street - Environmental Release of Funds (Revised)

Grant Number: 55IT5313870

On December 04, 2019, the Northwest Office of Native American Programs (NwONAP) received Samish Indian Nation's Request for Release of Funds (RROF) and Certification Form (HUD-7015.15), for IHBG No. 55IT5313870. The request is to construct up to 20 mixed income housing units located at 2109 34th Street, Anacortes, WA 98221. Fifty percent of the units will be designated for low-income affordable housing and will be funded with IHBG. Fifty percent of the units will be rented at market rate and will be funded with unrestricted funds. The project will also include the construction of a community center.

NwONAP received no objections during the prescribed 15-day waiting period that began on October 30, 2019 and ended on, November 14, 2019. As a result, the environmental clearance date for this project is established as, December 21, 2019.

If you have any questions, or if NwONAP can be of assistance, please contact Sandel Ferguson, Grants Management Specialist, at (206) 220-6673, or by email at Sandel.Ferguson@hud.gov; or Andrea Sexton, Grants Evaluation Specialist, at (206) 220-6165, or by email at Andrea.R.Sexton@hud.gov.

Sincerely,

Thomas H. Carney

Administrator

Enclosure:

Authority to Use Grant Funds (HUD-7015.16)

cc:

Ms. Sharon Paskewitz, Housing Director

Authority to Use Grant Funds

U.S. Department of Housing and Urban Development Office of Community Planning and Development

To: (name & address of Grant Recipient & name & title of Chief Executive Officer)

Honorable Thomas D. Wooten Tribal Chairman Samish Indian Nation 2918 Commercial Avenue Anacortes, WA 98221

Copy To: (name & address of SubRecipient)

We received your Request for Release of Funds and Certification, form HUD-7015.15 on December 04, 2019 Your Request was for HUD/State Identification Number 55IT5313870

All objections, if received, have been considered. And the minimum waiting period has transpired. You are hereby authorized to use funds provided to you under the above HUD/State Identification Number. File this form for proper record keeping, audit, and inspection purposes.

REVISED:

Estimated Total project cost: \$3,500,000. The project will be funded 50% under NAHASDA for an estimated contribution of \$1,750,000. SIN will be contributing the other 50% totaling \$1,750,000.

Project Description: Build up to 20 housing units on approx 2 acre of vacant land: 2109 34the Street (Skagit County parcel ID P32217) within Anacortes, WA. Approximately 1/2 of units will be NAHASDA and the other 1/2 would not be constrained by funding sources and could be rented at market rates. The project will also include the construction of a community center.

Effective: December 21, 2019

Typed Name of Authorizing Officer Tom H. Carney Title of Authorizing Officer

NWONAP Administrator

Signature of Authorizing Officer

Date (mm/dd/yyyy)

01/07/2020

A Cane form HUD-7015.16 (2/94)

Previous editions are obsolete.

ref. Handbook 6513.01

SKAGIT PUBLISHING C/O ISJ PAYMENT PROCESSING CENTER PO BOX 1570 POCATELLO ID 83204-1570 (360)424-3251 Fax (360)416-2161

ORDER CONFIRMATION

Salesperson: JEANETTE MOODY Printed at 10/25/19 10:39 by jka30 ______

Ad #: 1959800 Status: New Acct #: 210612

Start: 10/30/2019 Stop: 10/30/2019 Times Ord: 1 Times Run: *** SAMISH INDIAN NATION PO BOX 217

STDS 1.00 X 23.13 Words: 617 ANACORTES WA 98221

Total STDS 23.50

Class: 0001 LEGAL NOTICES Rate: AAOR Cost: 194.58

Affidavits: 1

Contact:
Phone: (360)293-6404 Given Dy.
Fax#: (360)299-0790 P.O. #:
Email: thorton@samishtribe.nsn.us Created: jka30 10/25/19 10:31
Last Changed: jka30 10/25/19 10:39

PUB ZONE EDT TP START INS STOP SMTWTFS

AA A 97 W Wed 10/30/19 1 Wed 10/30/19 W SVWN A 97 W Wed 10/30/19 1 Wed 10/30/19 SMTWTFS _____

AUTHORIZATION

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Name (signature) Name (print or type)

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Notice of Finding of No Significant Impact and **Notice of Intent** to Request Release of Funds

October 30, 2019

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ministrative Headquarters Federal agency acting pur-

at 2918 Commercial Ave, suant to 40 CFR Part 1504

to 4:30 p.m.

PUBLIC COMMENTS prepared and submitted in

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Tribal Chairman Samish Indian Nation

REQUEST FOR RELEASE OF FUNDS

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Published October 30, 2019 AA-1959800

Administration