

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:
Brian Hedengren

Department: Human Services

Requested Agenda Date: 08/24/2021

Presenting: Brian Hedengren

Document Title:

Board of County Commissioners Record Assigned
198-2021

APPROVED FOR AGENDA:
 Consent Regular
Board of County Commissioners Determined

IN THE MATTER OF GIVING PUBLIC NOTICE REGARDING THE TIER 1 ENVIRONMENTAL REVIEW FOR THE HOMEOWNER REHABILITATION PROGRAM OF THE YAKIMA COUNTY HOME CONSORTIUM PROGRAM

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

Approximately \$1,400 for publication in the Yakima Herald. HOME program funds will pay for this public notice.

Background Information:

HUD allows HOME programs to use a tiered approach to perform environmental reviews. The Tier 1 review is a County-wide environmental review which addresses many of HUD's environmental requirements. After this review is accepted by HUD, the County is able to perform site-specific environmental reviews for each proposed project to address the remaining environmental requirements not covered through the County-wide review.

Summary & Recommendation:

Give public notice regarding the Tier 1 Environmental Review and give the public 7 days to provide comments or object to the review.

Motion:

Approve this resolution to publish the public notice per Washington State Code

Department Head/ Elected Official



Signature

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial



Late Agenda Requests Require BOCC Chairman Signature:

**BOARD OF YAKIMA COUNTY COMMISSIONERS
RESOLUTION**

**IN THE MATTER OF GIVING PUBLIC
NOTICE REGARDING THE TIER 1
ENVIRONMENTAL REVIEW FOR THE
HOMEOWNER REHABILITATION
PROGRAM OF THE YAKIMA COUNTY
HOME CONSORTIUM PROGRAM**

198-2021

WHEREAS, HUD's regulations at 24 CFR Part 50 and 24 CFR Part 58 permit the use of a tiered review process as defined in 24 CFR 1508.28 to make the environmental review process more efficient while continuing to meet HUD's environmental review requirements; **and**,

WHEREAS, a Tier 1 Environmental Review expires after 5 years and must be re-evaluated and resubmitted to HUD; **and**,

WHEREAS, the use of the tiered environmental review process for the Yakima County HOME Consortium's homeowner rehabilitation program will decrease the cost and time to perform environmental reviews for each homeowner rehabilitation project; **and**,

WHEREAS, HUD requires that public notice be given regarding the Tier 1 Environmental Review and the public be given 7 days to comment on or object to the environmental review; **now, therefore**,

BE IT HEREBY RESOLVED by the Board of Yakima County Commissioners that public notice be given regarding the Tier 1 Environmental Review and allow the public to provide comments for a period of 7 days.

BE IT FURTHER RESOLVED that the Clerk of the Board shall post and publish the public notice as required by state statute.

DONE **AUG 24 2021**

Attest:

Julie Lawrence, Clerk of the Board *or*
Linda Kay O'Hara, Deputy Clerk of the Board

Ron Anderson, Chairman

Amanda McKinney, Commissioner

LaDon Linde, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR TIERED PROJECTS AND PROGRAMS

YAKIMA COUNTY
128 N. 2ND ST., ROOM 102
YAKIMA, WA 98901
(509) 574-1363

On or about September 3rd, 2021, Yakima County as the Responsible Entity will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of federal HOME funds under Section 288 of Title II of the Cranston Gonzales National Affordable Housing Act (NAHA), as amended. The purpose of the rehabilitation program is to perform repair and rehabilitation of existing, single family units located within Yakima County. The rehabilitation of each unit will not cost more than \$75,000 and will not involve increasing the footprint of the building. The environmental review covers a 5-year period and an estimated \$711,829 of HOME funds and a total of \$889,786 in combined funds.

The activities to be funded under this program are categorically excluded from the HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements. Specific locations of individual units to be rehabilitated cannot be determined prior to the completion of the County-Wide Environmental Review and the Request for Release of Funds (RROF) and so Yakima County as the Responsible Entity (RE), is using the Tiered Environmental Review process under HUD regulations at 24 CFR Part 58.15. This Request for Release of Funds (RROF) will be in effect for five years from acceptance.

Yakima County has completed its Tier 1 review of the Rehabilitation Program. The County identified multiple laws and authorities that can be considered on an area-wide basis. The following were addressed for the project area:

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990, Clean Air Act, as amended, Coastal Zone Management Act, Explosive and Flammable Hazards (24 CFR Part 51 Subpart C), Farmland Protection Policy Act of 1981, Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978, Safe Drinking Water Act of 1974, as amended, and Wetlands Protection (Executive Order 11990)

In the second-tier review, the County identified laws and authorities which require a site-specific environmental review. The following will be considered for individual projects:

Airport Hazards (24 CFR Part 51 Subpart D): Individual projects will be evaluated to determine if they are within 15,000 feet of a military airport or 2,500 feet of a civilian airport, and if they are within an airport clear zone or a Runway Protection Zone/Clear Zone. The applicant must abide by any required consultation or mitigation prior to qualifying for the program.

Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994: Individual projects will be reviewed to determine if the project area falls within a Special Flood Hazard Area, as determined by FEMA. Applicants within a Special Flood Hazard Area will be required to obtain Flood Insurance to become eligible for the program. The applicant must maintain flood insurance for the duration of the project and the period of affordability.

Contamination and Toxic Substances (24 CFR Part 50.3(i) & 58.5(i)(2)): Individual projects will be reviewed to determine site-specific sources of potential contamination. If contamination and toxic substances have the potential for causing significant harm, the applicant must first mitigate the contamination or toxic substance before qualifying for the program.

Endangered Species Act of 1973: Individual projects will be evaluated to determine if they qualify for a 'No Effect' designation. If not, consultation with management agencies, applicable BMPs and mitigation will be required to ensure that there are no impacts to any listed species.

Floodplain Management (Executive Order 11988): Individual projects will be reviewed to determine if the project area falls within a Special Flood Hazard Area, as determined by FEMA. Applicants within a Special Flood Hazard

Area will be required to obtain Flood Insurance to become eligible for the program. The applicant must maintain flood insurance for the duration of the project and the period of affordability.

National Historic Preservation Act of 1966: Individual projects will be reviewed to determine if consultation with the SHPO or THPO is required.

Wild and Scenic Rivers Act of 1968: There are no Wild and Scenic Rivers or Study Rivers in Yakima County. There are two stream reaches on the NPS Nationwide Rivers Inventory: the American River and the Lower Yakima River. Individual projects near the American River and Lower Yakima River will require consultation with the appropriate Managing Agencies.

Environmental Justice (Executive Order 12898): As there are statutes, executive orders, and regulations that require site-specific review, Environmental Justice can only be determined after a review of those statutes, executive orders, and regulations. If it is determined that there will be an adverse impact from the project, the impacted population will be addressed in a participatory planning process.

An Environmental Review Record (ERR) that documents the environmental determinations for this project, and more fully describes the tiered review process cited above, is available weekdays 9 am to 3 pm in room 102 of the Yakima County Courthouse located at 128 N 2nd St. Yakima, WA 98901 or online at <https://www.yakimacounty.us/1423/HOME-Consortium>. Any individual, group, or agency may submit written comments on the ERR to the address above or by email to brian.hedengren@co.yakima.wa.us.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Yakima County. All comments received by **12 pm on September 3rd, 2021** will be considered by Yakima County prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

ENVIRONMENTAL CERTIFICATION

Yakima County certifies to HUD that **Esther Magasis** in her official capacity as **Director of Human Services**, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Yakima County to utilize Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and Yakima County's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the RE (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD's Seattle Regional Office at CPD_COVID-19OEE-SEA@hud.gov. Potential objectors should contact HUD's Seattle Regional Office via email to verify the actual last day of the objection period.

Esther Magasis, Director of Human Services as Certifying Officer

Publish: Yakima Herald-Republic, legal ads; Publish Date: 08/26/2021

Account #: 110346, Public Services