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

Project Information

Project Name: Skylark-Single-Family-Affordable-Housing
HEROS Number: 900000010152701
Project Location: , Las Cruces, NM 88012

Additional Location Information:
The land is currently not addressed. It is Dona Ana County Parcel: 4-011-129-212-245. The property is bordered by Skylark Ln. to the North, Central Rd. to the South, and Mesa Dr. to the East.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:
This project will provide for the site improvements to approximately 6 acres of undeveloped land on the City's East Mesa. Eventually the development will consist of at least 15 - 30 affordable, single-family housing units for qualified, low-income buyers.

Funding Information

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Program Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-18-MC-35-0222</td>
<td>Community Planning and Development (CPD)</td>
<td>HOME Program</td>
</tr>
</tbody>
</table>

Estimated Total HUD Funded Amount: $295,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: $900,000.00

Mitigation Measures and Conditions [CFR 1505.2(c)]:
Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.
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<th>Law, Authority, or Factor</th>
<th>Mitigation Measure or Condition</th>
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<tbody>
<tr>
<td>Permits, reviews, and approvals</td>
<td>Permits will be obtained after Release of Funds from HUD.</td>
</tr>
</tbody>
</table>

**Mitigation Plan**
Mitigation not necessary.

**Determination:**
- Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
- Finding of Significant Impact

Preparer Signature: [Signature] Date: 1/25/2021

Name / Title / Organization: Raymond Burchfield / LAS CRUCES

Certifying Officer Signature: [Signature] Date: 2/4/21

Name / Title: ERIC J. ENRIQUEZ, Assistant City Mgr.

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

Project Name: Skylark-Single-Family-Affordable-Housing

HEROS Number: 900000010152701

Responsible Entity (RE): LAS CRUCES, P.O. BOX CLC LAS CRUCES NM, 88004

RE Preparer: Raymond Burchfield

State / Local Identifier: CLC

Certifying Officer: David P. Dollahon

Grant Recipient (if different than Responsible Entity): Tierra Del Sol Housing Corp.

Point of Contact: Art Marrujo

Consultant (if applicable): Souder, Miller & Associates

Point of Contact: R. Jay Vanlandingham, R.G.

Project Location: Las Cruces, NM 88012

Additional Location Information:
The land is currently not addressed. It is Dona Ana County Parcel: 4-011-129-212-245.
The property is bordered by Skylark Ln. to the North, Central Rd. to the South, and Mesa Dr. to the East.
Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:
This project will provide for the site improvements to approximately 6 acres of undeveloped land on the City's East Mesa. Eventually the development will consist of at least 15 - 30 affordable, single-family housing units for qualified, low-income buyers.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:
Las Cruces is the second largest city in New Mexico, the largest city in Dona Ana County and county seat. This is a multi-family project is approved by the New Mexico Mortgage Finance Authority (NMMFA) and will convert undeveloped land into 15-30 affordable, single-family units and will contribute to the City's overall goal of providing quality affordable housing for the low-income residents of Las Cruces.

Existing Conditions and Trends [24 CFR 58.40(a)]:
The project comprises approximately 6 acres of vacant land surrounded on all sides by vacant land, and rural and suburban residential development. The nearest natural desert land is located 0.45 miles to the north. The project area is located within disturbed dunal desert rangeland that has been impacted by numerous sheet washing events, mechanical blading events and wind erosion. It should be noted that almost the entire project area has been impacted by recent housing development. The vegetation consists of creosote and assorted range grasses and forbs which provide 75-100 percent surface visibility. NRCS Soil Classification: Terino-Casito association which is defined as an igneous derived mixed gravelly sandy loam. Surface observations of the soils can be characterized as a light tan silty sand with a large amount of intermixed caliche gravels. Elevation within the project area is approximately 4320 and 4420 feet above mean sea level (AMSL).

Maps, photographs, and other documentation of project location and description:
Skylark Location Map.pdf

Determination:

| Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment |
| Finding of Significant Impact |

Approval Documents:
HEROS Sig Pg-Skylark EA Executed.pdf

7015.15 certified by Certifying Officer
7015.16 certified by Authorizing Officer

Funding Information

<table>
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<th>Grant / Project Identification Number</th>
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<td>Community Planning and Development (CPD)</td>
<td>HOME Program</td>
</tr>
</tbody>
</table>

Estimated Total HUD Funded, Assisted or Insured Amount: $295,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: $900,000.00

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

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determination (See Appendix A for source determinations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATUTES, EXECUTORS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D</td>
<td>☐ Yes ☑ No</td>
<td>The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.</td>
</tr>
<tr>
<td>Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>☐ Yes ☑ No</td>
<td>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.</td>
</tr>
<tr>
<td>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-</td>
<td>☐ Yes ☑ No</td>
<td>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</td>
</tr>
</tbody>
</table>

02/24/2021 17:56 Page 3 of 39
<table>
<thead>
<tr>
<th>Statute/Regulation</th>
<th>Yes</th>
<th>No</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4128 and 42 USC 5154a]</td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td><strong>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td>☐</td>
<td>☑</td>
<td>The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Any impacts to air quality will be temporary and will comprise dust generated as a result of construction. Any potential air quality impacts will be mitigated under the local fugitive dust control ordinances, which will include: Water on unpaved surfaces, limiting on-site vehicle speed to 15 mph, applying dust suppressant to unpaved areas, and prohibiting activities during high winds (NMAC 20.2.23).</td>
</tr>
<tr>
<td><strong>Coastal Zone Management Act</strong></td>
<td>☐</td>
<td>☑</td>
<td>This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.</td>
</tr>
<tr>
<td><strong>Contamination and Toxic Substances</strong></td>
<td>☐</td>
<td>☑</td>
<td>On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.</td>
</tr>
<tr>
<td><strong>Endangered Species Act</strong></td>
<td>☐</td>
<td>☑</td>
<td>This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.</td>
</tr>
<tr>
<td><strong>Explosive and Flammable Hazards Above-Ground Tanks</strong></td>
<td>☐</td>
<td>☑</td>
<td>There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with Explosive and Flammable Hazards Above-Ground Tanks.</td>
</tr>
</tbody>
</table>
### Farmlands Protection
Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

This project includes activities that could potentially convert agricultural land to a non-agricultural use, but an exemption applies. The project is in compliance with the Farmland Protection Policy Act. Project land is zoned R1-a which is applicable for this type of development.

### Floodplain Management
Executive Order 11988, particularly section 2(a); 24 CFR Part 55

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

### Historic Preservation
National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

### Noise Abatement and Control
Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

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

### Sole Source Aquifers
Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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</thead>
</table>

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

### Wetlands Protection
Executive Order 11990, particularly sections 2 and 5

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

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

### Wild and Scenic Rivers Act
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

### HUD HOUSING ENVIRONMENTAL STANDARDS

#### ENVIRONMENTAL JUSTICE

### Environmental Justice
Executive Order 12898

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

No adverse environmental impacts were identified in the project’s total environmental review. The project is in compliance with Executive Order 12898.

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**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**
**Impact Codes**: An impact code from the following list has been used to make the determination of impact for each factor.

1. Minor beneficial impact
2. No impact anticipated
3. Minor Adverse Impact – May require mitigation
4. Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAND DEVELOPMENT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design</td>
<td>1</td>
<td>This project adds additional capacity of affordable housing to the City of Las Cruces. It is or will conform with applicable plans of development, land use, zoning, scale an urban design.</td>
<td></td>
</tr>
<tr>
<td>Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff</td>
<td>2</td>
<td>There are no anticipated net negative impacts to soil suitability, slope, erosion, drainage or stormwater runoff. All impacts will be managed by design constraints and in accordance with all applicable regulations and rules.</td>
<td></td>
</tr>
<tr>
<td>Hazards and Nuisances including Site Safety and Site-Generated Noise</td>
<td>2</td>
<td>There are no anticipated no permanent hazards, nuisances, safety concerns or noise. All impacts will be temporary, during construction and will be managed in accordance with all applicable regulations and rules.</td>
<td></td>
</tr>
<tr>
<td>Energy Consumption/Energy Efficiency</td>
<td>2</td>
<td>There are no anticipated net negative impacts to energy consumption in the area. Development of the limited number of units described herein is within the serviceability of existing energy infrastructure.</td>
<td></td>
</tr>
<tr>
<td><strong>SOCIOECONOMIC</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment and Income Patterns</td>
<td>2</td>
<td>There are no anticipated negative impacts to employment and income patterns in the area. Development of the limited number of units described herein is not anticipated to significantly change the employment and income patterns in the area.</td>
<td></td>
</tr>
<tr>
<td>Demographic Character Changes / Displacement</td>
<td>2</td>
<td>There are no anticipated net negative impacts to demographics in the area. Development of the limited number of</td>
<td></td>
</tr>
<tr>
<td>Environmental Assessment Factor</td>
<td>Impact Code</td>
<td>Impact Evaluation</td>
<td></td>
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<tr>
<td>-------------------------------------------------</td>
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<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>LAND DEVELOPMENT</td>
<td></td>
<td>units described herein is within the serviceability of existing energy infrastructure.</td>
<td></td>
</tr>
<tr>
<td>COMMUNITY FACILITIES AND SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational and Cultural Facilities (Access and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to Educational and Cultural Facilities in the area. Development of the limited number of units described herein is within the serviceability of existing educational and cultural facilities.</td>
<td></td>
</tr>
<tr>
<td>Commercial Facilities (Access and Proximity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to commercial facilities in the area. Development of the limited number of units described herein is within the serviceability of commercial facilities.</td>
<td></td>
</tr>
<tr>
<td>Health Care / Social Services (Access and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to healthcare and social services in the area. Development of the limited number of units described herein is within the serviceability of existing health care and social services.</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Disposal and Recycling (Feasibility and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to solid waste disposal and recycling in the area. Development of the limited number of units described herein is within the serviceability of existing solid waste disposal and recycling facilities.</td>
<td></td>
</tr>
<tr>
<td>Waste Water and Sanitary Sewers (Feasibility and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to wastewater and sanitary sewers in the area. Development of the limited number of units described herein is within the serviceability of existing wastewater and sanitary sewer infrastructure.</td>
<td></td>
</tr>
<tr>
<td>Water Supply (Feasibility and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to water supply in the area. Development of the limited number of units described herein is within the serviceability of existing water supply.</td>
<td></td>
</tr>
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<td>Environmental Assessment Factor</td>
<td>Impact Code</td>
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<td>Mitigation</td>
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<tr>
<td><strong>LAND DEVELOPMENT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety - Police, Fire and Emergency Medical</td>
<td>2</td>
<td>There are no anticipated net negative impacts to public safety in the area. Development of the limited number of units described herein is within the serviceability of existing public safety services.</td>
<td></td>
</tr>
<tr>
<td>Parks, Open Space and Recreation (Access and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to parks, open space and recreation in the area. Development of the limited number of units described herein is within the serviceability of existing parks, open space and recreation facilities in the area.</td>
<td></td>
</tr>
<tr>
<td>Transportation and Accessibility (Access and Capacity)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to transportation and accessibility in the area. Development of the limited number of units described herein is within the serviceability of existing transportation and accessibility infrastructure.</td>
<td></td>
</tr>
<tr>
<td><strong>NATURAL FEATURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unique Natural Features /Water Resources</td>
<td>2</td>
<td>There are no anticipated net negative impacts to unique natural features and water resources in the area. Development of the limited number of units described herein is not near any unique natural features or water resources.</td>
<td></td>
</tr>
<tr>
<td>Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)</td>
<td>2</td>
<td>There are no anticipated net negative impacts to energy consumption in the area. Development of the limited number of units described herein is not anticipated to significantly affect vegetations or wildlife in the area.</td>
<td></td>
</tr>
<tr>
<td>Other Factors</td>
<td></td>
<td>No other factors considered.</td>
<td></td>
</tr>
</tbody>
</table>

Supporting documentation
- Pub Affidavit-SkylarkEA.pdf
- Combo Notice-Skylark.pdf
- Skylark Part 58 EA Final.pdf
Additional Studies Performed:
Phase I Environmental Site Assessment, Biological Resources survey and Cultural survey.

Skylark_Bio Survey Report(1).pdf
Noise Eval-Skylark(1).pdf
Skylark_PH I ESA(2).pdf

Field Inspection [Optional]: Date and completed by:

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:
A complete Environmental Assessment was completed by Souder, Miller and Associates. All records of consultations are included in the final EA document.

Skylark Part 58 EA Final(1).pdf

List of Permits Obtained:
Permits will be obtained after Release of Funds from HUD.

Public Outreach [24 CFR 58.43]:
The combination notice to the public of Finding of No Significant Impact on the Environment and Intent to Request Release of Funds will be published on or about January 27th, 2021.

COMB NOTICE -Skylark-TDS.pdf

Cumulative Impact Analysis [24 CFR 58.32]:
There are no anticipated permanent negative environmental impacts as a result of this project. Environmental impacts are anticipated to be temporary and occur during construction only. Environmental impacts during construction will be managed and mitigated in accordance applicable regulations and rules.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]
1. Development of affordable single-family housing achieves the objective of providing quality affordable single-family housing in accordance with the City of Las Cruces's overall goals for development.

No Action Alternative [24 CFR 58.40(e)]
The No Action Alternative does not achieve the objective of providing quality affordable single-family housing in accordance with the City of Las Cruces’s overall goals for development.
Summary of Findings and Conclusions:
The Skylark Single-Family Affordable housing project located on the northwest corner of Mesa Drive and Central Road in Las Cruces is the only alternative that meets the objective of providing quality affordable single family housing in accordance with the City of Las Cruces's over goals for development. Although some temporary impacts may occur during construction, with regards to air quality, noise and migratory birds, the impacts will be mitigated using best practices as described herein. Based on the foregoing analyses the project proponent finds no significant impact to the environmental resources in the area as a result of this project.

Mitigation Measures and Conditions [CFR 1505.2(c)]:
Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

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<th>Mitigation Measure or Condition</th>
<th>Comments on Completed Measures</th>
<th>Complete</th>
</tr>
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<tbody>
<tr>
<td>Permits, reviews and approvals</td>
<td>Permits will be obtained after Release of Funds from HUD.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

Mitigation Plan
Mitigation not necessary.

Supporting documentation on completed measures
APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

<table>
<thead>
<tr>
<th>General policy</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.</td>
<td></td>
<td>24 CFR Part 51 Subpart D</td>
</tr>
</tbody>
</table>

1. To ensure compatible land use development, you must determine your site’s proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

   ✔ No

   Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

   Yes

Screen Summary

Compliance Determination
The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

Supporting documentation

Skylark Dist to Airport.pdf

Are formal compliance steps or mitigation required?

   Yes

   ✔ No
### Coastal Barrier Resources

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.</td>
<td>Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)</td>
<td></td>
</tr>
</tbody>
</table>

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

**Compliance Determination**

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

**Supporting documentation**

- Distance to coast from Las Cruces.jpg

**Are formal compliance steps or mitigation required?**

- Yes
- ![No](✓)

✓ No
Flood Insurance

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certain types of federal financial assistance may not be</td>
<td>Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)</td>
<td>24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).</td>
</tr>
<tr>
<td>used in floodplains unless the community participates in National Flood Insurance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program and flood insurance is both obtained and maintained.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. **Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

   No. This project does not require flood insurance or is excepted from flood insurance.

   ✓ Yes

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

   [FM35013C0914G-Skylark.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

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

✓ No

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

Yes

**Screen Summary**

**Compliance Determination**
The structure or insurable property is not located in a FEMA-designated Special Flood
Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

Supporting documentation

Are formal compliance steps or mitigation required?
   Yes
   ✓ No
Air Quality

General requirements | Legislation | Regulation
--- | --- | ---
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP. | Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d)) | 40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

✓ Yes

No

Air Quality Attainment Status of Project’s County or Air Quality Management District

2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

✓ No, project’s county or air quality management district is in attainment status for all criteria pollutants.

Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination
The project’s county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Any impacts to air quality will be temporary and will comprise dust generated as a result of construction. Any potential air quality impacts will be mitigated under the local fugitive dust control ordinances, which will include Water on unpaved surfaces, limiting on-site
vehicle speed to 15 mph, applying dust suppressant to unpaved areas, and prohibiting activities during high winds (NMAC 20.2.23).

Supporting documentation
NEAP-Reevaluation2005DonaAnaCounty.pdf

Are formal compliance steps or mitigation required?
  Yes
  ✓ No
Coastal Zone Management Act

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.</td>
<td>Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))</td>
<td>15 CFR Part 930</td>
</tr>
</tbody>
</table>

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

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

Supporting documentation

Distance to coast from Las Cruces(1).jpg

Are formal compliance steps or mitigation required?

- Yes
- No ✓
Contamination and Toxic Substances

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.</td>
<td></td>
<td>24 CFR 58.5(i)(2) 24 CFR 50.3(i)</td>
</tr>
</tbody>
</table>

1. Evaluate the site for contamination. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property?

✓ No

Explain:
Per the conclusions of the Phase I ESA.

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

Yes

✓ Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized. [Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

Screen Summary
Compliance Determination
On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation
Are formal compliance steps or mitigation required?
   Yes
☑  No
Endangered Species

<table>
<thead>
<tr>
<th>General requirements</th>
<th>ESA Legislation</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).</td>
<td>The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); particularly section 7 (16 USC 1536).</td>
<td>50 CFR Part 402</td>
</tr>
</tbody>
</table>

1. **Does the project involve any activities that have the potential to affect species or habitats?**

   - No, the project will have No Effect due to the nature of the activities involved in the project.
   - No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office
   - ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

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

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

   Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

   Yes, there are federally listed species or designated critical habitats present in the action area.
Screen Summary
Compliance Determination
This project will have No Effect on listed species because there are no listed species or
designated critical habitats in the action area. This project is in compliance with the
Endangered Species Act.

Supporting documentation


Are formal compliance steps or mitigation required?
  Yes
✓  No
Explosive and Flammable Hazards

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to</td>
<td>N/A</td>
<td>24 CFR Part 51 Subpart C</td>
</tr>
<tr>
<td>protect them from explosive and flammable hazards.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

✓ No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

✓ Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:
   - Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
   - Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

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

✓ No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.
Screen Summary
Compliance Determination
There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Skylark_PH 1 ESA(1).pdf

Are formal compliance steps or mitigation required?
Yes
✓ No
Farmlands Protection

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
</table>

1. **Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

   ✓ Yes
   
   No

2. **Does your project meet one of the following exemptions?**

   - Construction limited to on-farm structures needed for farm operations.
   - Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
   - Project on land already in or committed to urban development or used for water storage. (7 CFR 658.2(a))

   ✓ Yes

   Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

   No

**Screen Summary**

**Compliance Determination**

This project includes activities that could potentially convert agricultural land to a non-agricultural use, but an exemption applies. The project is in compliance with the Farmland Protection Policy Act. Project land is zoned R1-a which is applicable for this type of development.

**Supporting documentation**

[Zoning Map-Skylark.pdf]
Are formal compliance steps or mitigation required?

Yes

✓ No
## Floodplain Management

<table>
<thead>
<tr>
<th>General Requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.</td>
<td>Executive Order 11988</td>
<td>24 CFR 55</td>
</tr>
</tbody>
</table>

1. **Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]**

    - 55.12(c)(3)
    - 55.12(c)(4)
    - 55.12(c)(5)
    - 55.12(c)(6)
    - 55.12(c)(7)
    - 55.12(c)(8)
    - 55.12(c)(9)
    - 55.12(c)(10)
    - 55.12(c)(11)

✓ None of the above

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

   FM35013C0914G-Skylark.pdf

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

✓ No

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

Yes
**Screen Summary**

**Compliance Determination**
This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

**Supporting documentation**

Are formal compliance steps or mitigation required?

- Yes

- No
Historic Preservation

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects</td>
<td>Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)</td>
<td>36 CFR 800 “Protection of Historic Properties” <a href="http://www.access.gpo.gov/nara/cfr/waisdx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisdx_10/36cfr800_10.html</a></td>
</tr>
</tbody>
</table>

Threshold

Is Section 106 review required for your project?

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
- No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].
- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO)  Completed

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

  ✓ Comanche Nation  Response Period Elapsed
  ✓ Fort Sill Apache Tribe  Response Period Elapsed
  ✓ Mescalero Apache Tribe  Response Period Elapsed

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Describe the process of selecting consulting parties and initiating consultation here:

Tribes are from the list for this region as directed by the New Mexico State Historic Preservation Office. The Navajo Nation has previously opted out from all project consultations within the City of Las Cruces. Letter is on file.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Step 2 – Identify and Evaluate Historic Properties

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:
   An approximately 6 acre parcel of land on the northwest corner or Central Road and Mesa Drive in northeastern Las Cruces, New Mexico. The parcel is currently undeveloped.

   In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

   Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

<table>
<thead>
<tr>
<th>Address / Location / District</th>
<th>National Register Status</th>
<th>SHPO Concurrence</th>
<th>Sensitive Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Navajo Nation</td>
<td>Not Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓ Pueblo of Isleta</td>
<td>Response Period Elapsed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓ White Mountain Apache Tribe</td>
<td>Completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✓ Ysleta del Sur Pueblo</td>
<td>Completed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Notes:
2. Was a survey of historic buildings and/or archeological sites done as part of the project?

✓ Yes

Document and upload surveys and report(s) below. For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

**Step 3 – Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5) Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

✓ No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**

✓ No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect
Adverse Effect

Screen Summary
Compliance Determination
Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

Supporting documentation

Skylark-SHPO Backup Docs.pdf
THPO Consultation Letter-WMAT.pdf
Skylark-Ysleta del Sur Response.pdf
L-20-058-Ysleta del Sur Pueblo.pdf
L-20-059-WMAT.pdf
L-20-057-Pueblo of Isleta.pdf
L-20-056-Mescalero Apache Tribe.pdf
L-20-055-Comanche Nation.pdf
L-20-054-Ft Sill Apache Tribe.pdf
SHPO Approval.pdf

Are formal compliance steps or mitigation required?
Yes
✓ No
Noise Abatement and Control

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD’s noise regulations protect residential properties from excessive noise exposure.</td>
<td>Noise Control Act of 1972</td>
<td>Title 24 CFR 51 Subpart B</td>
</tr>
<tr>
<td>HUD encourages mitigation as appropriate.</td>
<td>General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”</td>
<td></td>
</tr>
</tbody>
</table>

1. **What activities does your project involve? Check all that apply:**

- [✓] New construction for residential use
- Rehabilitation of an existing residential property
- A research demonstration project which does not result in new construction or reconstruction
- An interstate land sales registration
- Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster
- None of the above

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

**Indicate the findings of the Preliminary Screening below:**

- [✓] There are no noise generators found within the threshold distances above.
Based on the response, the review is in compliance with this section. Document and upload a map showing the location of the project relative to any noise generators below.

Noise generators were found within the threshold distances.

**Screen Summary**

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

**Supporting documentation**

[Skylark City Map.pdf](Skylark City Map.pdf)
[Skylark Dist to Airport(1).pdf](Skylark Dist to Airport(1).pdf)
[Noise Eval-Skylark.pdf](Noise Eval-Skylark.pdf)

**Are formal compliance steps or mitigation required?**

- Yes
- No

✓ No
Sole Source Aquifers

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</td>
<td>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</td>
<td>40 CFR Part 149</td>
</tr>
</tbody>
</table>

1. **Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?**

   Yes
   ✓ No

2. **Is the project located on a sole source aquifer (SSA)?**
   A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

   ✓ No

   Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

   Yes

**Screen Summary**
**Compliance Determination**
The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

**Supporting documentation**
Are formal compliance steps or mitigation required?

Yes

✓ No
Wetlands Protection

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.</td>
<td>Executive Order 11990</td>
<td>24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.</td>
</tr>
</tbody>
</table>

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

   - No
   - ✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

   "Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

   ✓ No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.

   Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

   Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.

Screen Summary
**Compliance Determination**
The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.

**Supporting documentation**

- Skylark Location Map(1).pdf
- Wetlands Map-Skylark.pdf

**Are formal compliance steps or mitigation required?**

- [✓] No
**Wild and Scenic Rivers Act**

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.</td>
<td>The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))</td>
<td>36 CFR Part 297</td>
</tr>
</tbody>
</table>

1. **Is your project within proximity of a NWSRS river?**

   ✓ No

   Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.
   Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

**Screen Summary**

**Compliance Determination**
This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

**Supporting documentation**

*Wild Scenic Rivers-NM.pdf*

**Are formal compliance steps or mitigation required?**

   Yes

   ✓ No
### Environmental Justice

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.</td>
<td>Executive Order 12898</td>
<td></td>
</tr>
</tbody>
</table>

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

   - Yes
   - ✓ No

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

**Screen Summary**

**Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Supporting documentation**

[Skylark EJ Reports.pdf]

**Are formal compliance steps or mitigation required?**

   - Yes
   - ✓ No