

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE ENVIRONMENTAL REVIEW RECORD FOR THE ELEVATE BRANSON COMMUNITY VILLAGE PROJECT AND ALL THE DOCUMENTS RELATED THERETO.**

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**WHEREAS**, the City of Branson accepted funds from the Missouri Department of Economic Development Block Grant (CDBG) Program for the Elevate Branson Tiny Homes Project; and

**WHEREAS**, the environmental review for the Tiny Homes project was completed in June 2021; and

**WHEREAS**, an Amendment is needing to be executed as part of this project completion and the CDBG Program funding.

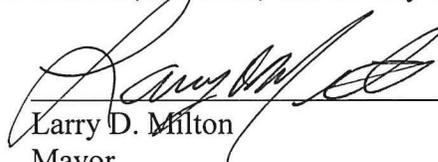
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:**

Section 1: The Board of Aldermen hereby desires to authorize the Mayor to sign an Amendment to the Environmental Review Record for the Elevate Branson Community Village Project as specified in the related specifications and substantial conformity with the terms shown on Exhibit "1" and incorporated by this reference as set out here in full, together with such changes therein as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Administrator, and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient or prudent in order to carry out the intent of this legislation.

Section 2: The Mayor or his designee is authorized and directed to sign on the City's behalf all documents necessary for the use of CDBG Funds related to the Elevate Branson Project, and all attachments, exhibits, affidavits, and addenda or other document(s) which may be necessary to complete the project.

Section 3: This resolution shall be in full force and effect after its passage and approval.

**ADOPTED**, by the Board of Aldermen of the City of Branson, Missouri, this 26<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
Larry D. Milton  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary Briand  
City Clerk

  
\_\_\_\_\_  
City Attorney



# Missouri Department of Economic Development

## AMENDMENT TO THE ENVIRONMENTAL REVIEW RECORD

Responsible Entity: City of Branson, MO

Project Number: 2019-DP-04

Project Name: Elevate Branson Community Village

### Estimated Project Costs for Proposed Activities in Amendment - All sources and amounts!

CDBG Funds: \$1,940,000	Other State Funds: \$0
Local Cash: \$2,275,150	Federal Funds: \$0
Private: \$2,450,000	In-Kind: \$0
Other: \$0	TOTAL: \$6,665,150

Project Design: Select all that are applicable to the project location indicated above and attach.

- PER
- Site Plan
- Building Design/Renderings
- PAR
- Work Write-up
- Cost Estimates/Revise Budget
- Other: \_\_\_\_\_
- N/A, Explain: \_\_\_\_\_

### Original Project Description:

The proposed project will use CDBG funds for design/engineering and subsequent construction of public infrastructure, including roads, water, and sewer, in support of an affordable housing development, Elevate Community Village, to be built by the subapplicant. Specifically, these public improvements include:

- Both a street extending from Gretna Road as well as a street that loops thru the development
- A detention pond to achieve less than pre-development runoff rates
- 8" public water main extension, along with 3 fire hydrants
- 8" gravity sewer main with manholes
- Potentially a mid-block pedestrian crossing on Gretna

Elevate Community Village will build 48 400-square foot homes, two micro-enterprise opportunities including an automotive service shop and an art studio, as well as a missions bunkhouse for large mission groups to rent as they volunteer at the Village or other places around Branson. In order to address the lack of affordable housing, especially that within walking distance of most jobs along Highway 76, Elevate Branson proposes to build Elevate Community Village, a master-planned community of approximately 48 homes that will provide permanent housing to those displaced by the 2017 historical flooding in Branson as well as LMI households and defined vulnerable populations. This project is modeled after two very successful communities: Community First Village in Austin, Texas and Eden Village in Springfield, Missouri.

The total project cost is \$6,665,150.00. CDBG-DR is funding \$1,940,000.00. The subapplicant has \$2,275,150.00 in cash funds. And, \$2,450,000.00 is coming from private donors.

The project is expected to begin construction in November 2021 and will plan for completion of construction in October 2022.

## Proposed Activities:

This project will use CDBG funds for design/engineering and subsequent construction of public infrastructure, including roads, water, and sewer, in support of an affordable housing development, Elevate Community Village, to be built by the subapplicant. Specifically, these public improvements include:

- Both a street extending from Gretna Road as well as a street that loops thru the development
- Two detention basins to achieve less than pre-development runoff rates
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The Elevate Branson project completed a record of environmental review in February 2022 with a Finding of No Significant Impact and determination there would be no adverse effects to the environmental impact areas included in the CDBG environmental review. However, the original location of the detention basins have since been relocated to an adjacent parcel of previously unexamined land. Therefore, this project is required to complete an amendment to the environmental review record in order to properly examine and review the adjacent parcel of land. Additionally, future development might take place on this parcel therefore we are reviewing the full parcel, and not just the location of the detention basins. If future development plans are proposed for this parcel, a subsequent amendment will be required.

The total project cost is \$6,665,150.00. CDBG-DR is funding \$1,940,000.00. The subapplicant has \$2,275,150.00 in cash funds. And, \$2,450,000.00 is coming from private donors.

The project is expected to begin construction in October 2023 and will plan for completion of construction in September 2024.

## Additional Conditions of Approval for Proposed Activities:

1. In the event human remains or architectural artifacts are discovered during construction, work will stop and DED, SHPO, and Tribes will be contacted.
2. Where fugitive dust and particulate emissions during demolition and debris removal are of concern, and to prevent migration of dust emissions off site, the contractor shall conduct air monitoring and wet down structures and debris.
3. "Erosion controls will be employed during the system improvements. In places where bare earth is revealed, soil erosion fences and straw will be employed. Disturbed areas will be re-vegetated with appropriate vegetation."
5. The City shall ensure best management construction practices.
  - a. The City shall implement best management practices, at a minimum, for controlling odors, fugitive dust, chemical and fuel spills, noise associated with construction, storm water runoff, and erosion and sedimentation on each site.
6. The City shall ensure that MoDOT guidelines for traffic control are followed when detours, delays, or closures are needed.
7. The City shall implement MDC recommendations and best management construction practices to protect endangered species and their habitats.
8. The City shall ensure that construction is completed in accordance with the City's floodplain development ordinance and permitting requirements, as applicable.
9. The City shall ensure radon testing is completed either on the existing structure prior to construction, or on the entire structure following construction completion. If levels are found to be in excess of 4 picocuries, mitigation is required.
11. The City shall ensure that demolition activities are managed to minimize erosion and sedimentation to nearby streams and lakes, including adherence to any "Clean Water Permit" conditions.
12. The City shall ensure that construction waste and pollutants are contained on-site and disposed of properly.
13. The City shall ensure thorough inspection of the bridges by a Missouri DNR Certified Asbestos Inspector. If friable asbestos containing materials are present and require abatement, a Missouri registered abatement contractor must perform abatement.
14. The City shall obtain a 404 permit should the USACE deem it necessary.
15. The City shall ensure that all land easements follow the Uniform Act and are recorded at the Local courthouse.
17. Any portions of the water line distribution system that cross floodplains should be restored to original contour and elevation.
18. The City or their Contractor shall notify DED if fill material is required for the project so that historic and environmental clearance can be completed before obtaining any fill material. The city will fill out a separate "Contamination and Toxic Materials" worksheet for the borrow site.
19. All tree clearing will be limited to the inactive bat season (November 1 to March 31). Prior to clearing trees, a Phase 1 Bat Habitat Assessment will be conducted.

**REVIEW OF ENVIRONMENTAL IMPACTS:**

For each impact area below, indicate whether the proposed changes to the project will affect the original determination made (i.e. any of the questions on the worksheet will be answered differently, new permitting requirement, etc.). For those impacts that will be affected, attach the relevant worksheet and supporting documentation.

<b>CEST &amp; EA:</b>	<b>Indicate whether the original determination (or the factors that lead to the determination) will be affected:</b>	
Historic Properties	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Flood Insurance	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Floodplain Management	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Wetlands	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Airport Hazards	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Endangered Species	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Wild and Scenic Rivers	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Farmland Protection	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Noise Control	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Explosive & Flammable Operations	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Water Quality	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Air Quality	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Contamination & Toxic Materials	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Environmental Justice	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
<b>EA Only:</b>		
Land Development	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Socioeconomic	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Community Facilities	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected
Natural Facilities	<input checked="" type="checkbox"/> Will not be affected	<input type="checkbox"/> Will be affected

For each environmental impact where the determination will be affected by the proposed changes to the project, please provide an explanation for how the impacts will be addressed and whether it affects the original ER finding. Please justify your determination.

Based upon the results of the amendment to the environmental review record, no threatening environmental impacts were identified. Determination that no effect on the environment has been validated through extensive research, database compilation, consultation with federal and state agencies, and collaboration with the City and project engineer. The results of this amendment coincide with the original environmental review Finding of No Significant Impact.

**CERTIFICATION OF ORIGINAL ENVIRONMENTAL FINDING:**

The Responsible Entity has completed an Amendment to the Environmental Review Record. In conformance with HUD Federal regulation 24 CFR 58.47 – *Re-evaluation of environmental assessment and other environmental findings*, the original environmental review record was examined and the Finding of No Significant Impact (FONSI) determination remains valid.

In my capacity as Certifying Officer on behalf of the Responsible Entity and in conformance with Part 58, I certify that I have independently evaluated the Amendment, including all related documentation, and have supplemented the Amendment with additional information where appropriate. On behalf of the Responsible Entity, I assume responsibility for the accuracy of the information contained herein. I hereby approve the Amendment and acknowledge all identified conditions for approval that must be implemented and appropriately documented.

\_\_\_\_\_  
Signature, RE Certifying Officer

\_\_\_\_\_  
Date

**PREPARER'S CERTIFICATION:**

As preparer of the Amendment as designated by the Responsible Entity, I certify to the accuracy of the information contained herein.

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date

**HISTORIC PROPERTIES**  
**36 CFR Part 800 MO SHPO Website**

1. Based on completion of the "Determination to Consult with Tribes" form, is consultation required?  YES  NO
2. If "Yes," are there **Tribes** with an interest in the county(ies) in which the project is to occur? If "Yes," the Responsible Entity (rather than a consultant) must invite the tribes to consult directly.  YES  NO
3. Has the SHPO been notified of the project and requested to provide comments?  YES  NO
4. Is any property in the project listed on or eligible for the **Missouri National Register of Historic Places** (can also be accessed through NPS's **National Register of Historic Places**)?  YES  NO
5. Is the property located within or directly adjacent to a historic district?  YES  NO
6. Does the property's Area of Potential Effect (APE) include a historic district or property (including those that are listed and those that are **eligible for inclusion** in the National Register)?  YES  NO
7. If fill material is required for the project, has SHPO been notified?  YES  NO
8. **Result of Section 106 Review: Attach Section 106 Project Information Form, attachments, and correspondence**

Select all that apply below:

- Architectural Survey Completed
- Archaeological Survey Completed
- Memorandum of Agreement

Select one option below:

- No Historic Properties Affected
- No Adverse Effect
- Adverse Effect [Requires MOA or reject project]

Explain all required mitigation measures resulting from the Project 106 review process:

Aside from SHPO Section 106 and tribal consultation, no additional mitigation measures were required of the Project 106 review process. However, SHPO advised if the current project area or scope of work changes, such as a borrow area being added, or cultural materials are encountered during construction, appropriate information must be provided to their office for further review and comment. Additionally, per DED's environmental review impact determination guide, "whenever previously unknown below ground historic properties of religious and cultural significance are discovered

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, etc.)

Consulted SHPO Section 106 on May 15, 2023. Consulted tribal nations of Apache Tribe, Delaware Nation, Delaware Tribe, Osage Nation, and Seneca-Cayuga Nation on June 2, 2023. Tribal nations were given a 35-day response period that ended on July 7, 2023.

Response from SHPO received on June 7, 2023 with a determination that no historic properties will be affected.

Solicited consultation with the following tribes:

- Apache Tribe - Did not Respond
- Delaware Nation - accepted invitation to comment and determined project would have no adverse effects
- Delaware Tribe - Did not Respond
- Osage Nation - Did not Respond
- Seneca-Cayuga Tribe - Did not Respond

**FLOOD INSURANCE**  
**42 U.S.C. 4106 24 CFR 58.6**

\*Compliance with mandatory flood insurance purchase does not constitute compliance with floodplain management requirements discussed under the Floodplain Management section of this document

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property or the purchase of machinery, equipment, fixtures, or furnishings that are insurable under NFIP?  YES  NO

2. If "Yes," is any portion of insurable structure or property located in a Special Flood Hazard Area?  YES  NO

*\*\* Sewer lift stations located in a SFHA that are at least one foot above the base flood elevation, or as specified in the local floodplain management ordinance, are not subject to flood insurance requirements.*

3. If "Yes," does the RE participate in the National Flood Insurance Program (NFIP)?  YES  NO

4. If "Yes," is the community in good standing with the NFIP?  YES  NO

If "Yes" to all of the above, please attach proof of flood insurance or submit during the project once available.

## FLOODPLAIN MANAGEMENT

### E.O. 11988 24 CFR Part 55

1. Is this project listed as exempt from the Floodplain Management requirements in 24 CFR 55.12(c) or inapplicable per 24 CFR 55.12(b)?  YES  NO

\*See Guide for help making determination

If "Yes," identify the citation: 24 CFR 55.12(b)(\_\_\_\_) OR 24 CFR 55.12(c)(\_\_\_\_)

2. Does the project occur in a floodplain:
- A. Floodway  YES  NO
  - B. Coastal High Hazard Area (there are none in Missouri)  YES  NO
  - C. 500-year floodplain (B zone or shaded X zone)  YES  NO
  - D. 100-year floodplain (A zone)  YES  NO

3. If "Yes" to 2A, is the project a functionally dependent use?

If "Yes," HUD 8-Step Process is required.

If "No," the project cannot take place at this location.

YES  NO

4. If "Yes" to 2C, is the project a critical action?

If "Yes," HUD 8-Step Process is required.

If "No," the project can proceed at this location.

YES  NO

5. If "Yes" to 2D, is the 5-step process (steps 1, 4-6, 8) applicable per 24 CFR 55.12(a)?

\*Not common; see guide for more information

If "Yes," identify the citation: 24 CFR 55.12(a) (\_\_\_\_)

If "No," the HUD 8-step Process is required.

YES  NO

Explain all required mitigation measures identified in the 8-step/5-step process:

No mitigation measures were required for floodplain management - project is not located in a historic floodplain.

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, etc.)

According to the Federal Emergency Management Agency (FEMA) Map, Community Map Numbers 29213C0143E and 29213C0144E (effective 3/15/2012), the subject property is located in an area of minimal flood hazard (attached, accessed July 14, 2023).

## WETLANDS PROTECTION

### E.O. 11990 24 CFR Part 55

1. Is this project listed as exempt from the Wetland Protections requirements in 24 CFR 55.12(c) or inapplicable per 24 CFR 55.12(b)?  YES  NO

If "Yes," identify the citation:      24 CFR 55.12(c)(\_\_\_\_)      OR      24 CFR 55.12(b)(\_\_\_\_)

2. Compliance with Wetlands Protection applies to Land Acquisition and/or New Construction related to any of the following. *Check all that apply to the project:*

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Buildings and structures   | <input checked="" type="checkbox"/> Utility lines                                       |
| <input checked="" type="checkbox"/> Roads  | <input checked="" type="checkbox"/> Storm drains and ditches                            |
| <input checked="" type="checkbox"/> Sewer and water systems  | <input checked="" type="checkbox"/> Flood control systems                               |
| <input checked="" type="checkbox"/> Dredging, filling, excavation (includes rehabilitation to existing buildings and structures) | <input type="checkbox"/> Expansion or altering the footprint of buildings or structures |

3. If the project consists of at least one of the above activities and is not exempt, will the new construction or other ground disturbance impact an on-or off-site wetland?  YES  NO  
"If Yes," the HUD 8-step Process is required.

4. Are there drainage ways, streams, creeks or rivers on or near the project site?  
If "Yes," or the project is located in or near wetlands, submit a cover letter with detailed project description, project location including township, range and section, clear and detailed map, and color photographs of the area to U.S. Army Corps of Engineers.  YES  NO

5. Per 24 CFR 55.28(a)(b) Is the project located outside the 100 year floodplain (or 500 year floodplain for critical actions) AND requires a USACE Section 404 Individual Permit? If "Yes," only steps 6, 7, and 8 of the process are required. Attach the Permit as documentation. All wetlands adversely affected by the action shall be covered by the permit.  YES  NO

\*Projects requiring a General or Nationwide Permit must complete the 8-step process.

6. Is the 5-step process (steps 1, 4-6, 8) applicable per 24 CFR 55.12(a)?  YES  NO  
\*Not common; see guide for more information  
If "Yes," identify the citation:      24 CFR 55.12(a)(\_\_\_\_)  
If "No," the HUD 8-step Process is required.

Explain all required mitigation measures resulting from consultation with either of the above entity:

Consultation with USACE determined the project will not require a Section 404 permit, nor will the proposed detention basins adversely impact the wetland. Current project stormwater evaluation and mitigation measures are listed in the attached Appendices, Appendix A - Stormwater Management Report and Appendix B - Stormwater Pollution Prevention Plan Best Management Practices. If future development occurs on land parcel additional consultation with USACE will be required.

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, current land use of project site, etc.)

The National Wetland Inventory map (accessed July 12, 2023) for the subject property has a small riverine located in the southeast area of the land parcel. The location of the detention basins and related ground disturbance will be far to the west of the riverine and therefore will not cause an impact to the wetland. In addition, the gravity sewer main extension that will serve the Elevate Branson Project crosses the existing drainage channel several hundred feet to the north of the terminus of the blue line on the NWI map. Concurrence of no adverse impacts to the wetland was provided by the project engineer and USACE. Due to this, we have determined an exception at 24 CFR 55.12(c)

N/A

## HUD 8-STEP DECISION MAKING PROCESS

E.O. 11990 E.O. 11988 24 CFR 55.20

**STEP 1 – Determine if the proposed action is located in a 100-year floodplain/500-year floodplain for critical actions and/or wetland.**

1. Based on completion of the previous Floodplain Management and Wetlands Protection sections, the HUD 8- Step Decision Making Process is being completed for:

Select One Below:

- Floodplain  
 Wetland  
 Floodplain AND Wetland

Select One Below:

- 3-Step (Step 6,7,8)  
 5-Step (Steps 1, 4-6, 8)  
 8-Step

2. Provide a description of the project, with specific reference to the floodplain/wetland area(s) that will be impacted by this project. The floodplain location should be referenced by the appropriate FEMA community panel, date, and flood zone, included in the Floodplain Management section. The wetlands location should reference the appropriate National Wetlands Inventory map and/or professional wetlands delineation, included in the Wetlands Protection section. Attach additional pages as necessary.

**STEP 2 = Involve the public in the decision-making process: Early Public Notice.**

Attach a copy of the notice, affidavit of publication and/ or tear sheet, and proof of distribution to environmental agencies and Tribes.

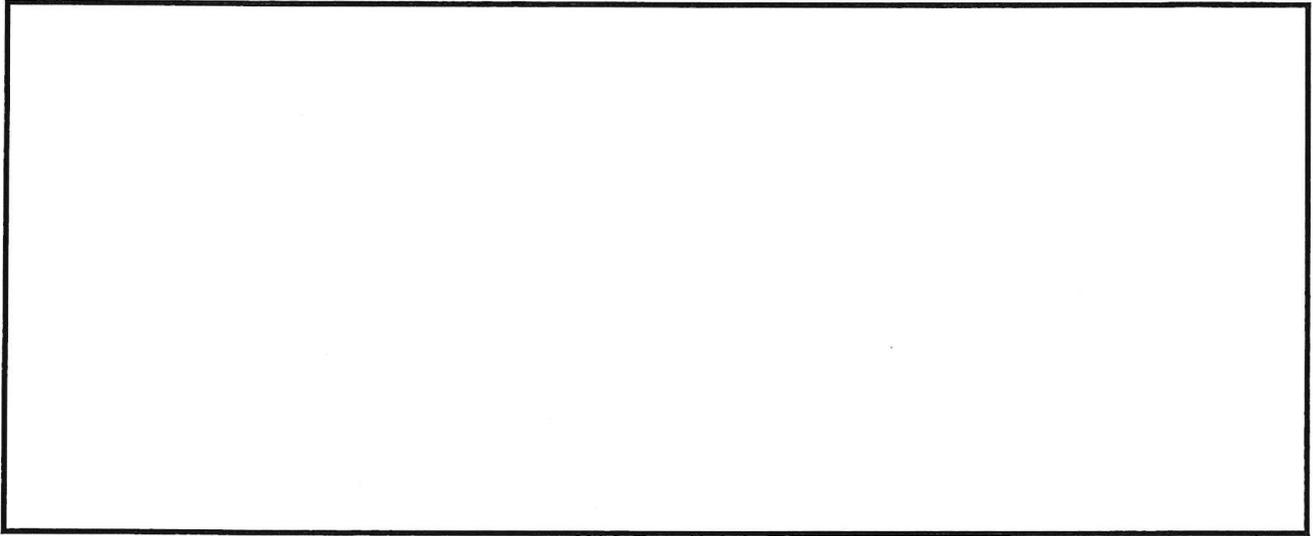
Name of Newspaper: \_\_\_\_\_ Date of publication: \_\_\_\_\_

Were comments received in response to the notice?  YES  NO

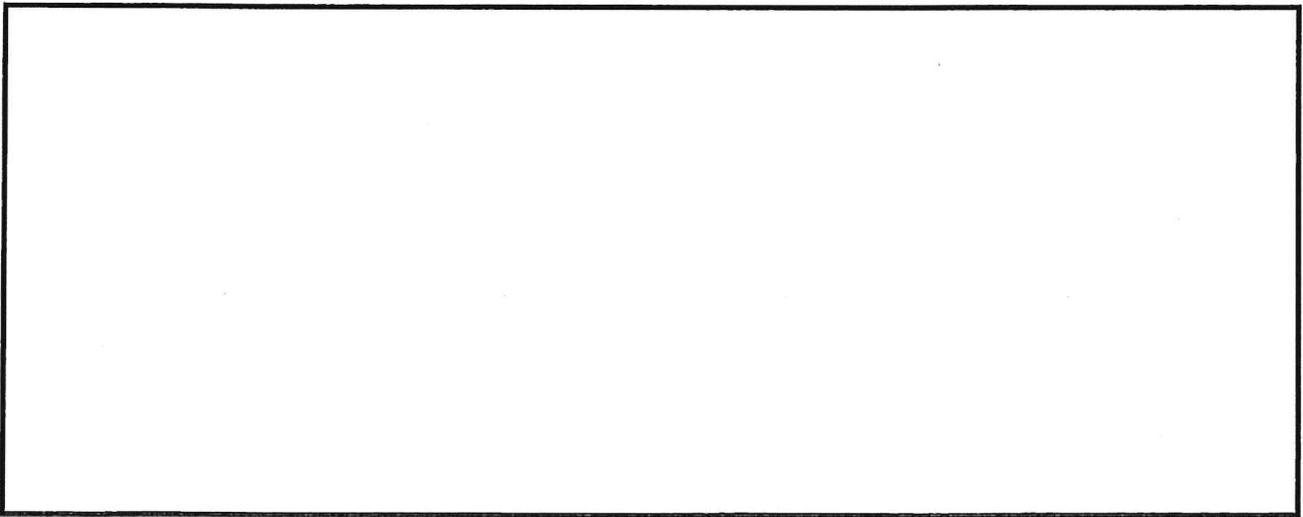
If "Yes," explain and attach all correspondence:

**STEP 3 – Identify and evaluate practicable alternatives. Alternatives MUST be presented and considered for this evaluation to be valid. Attach additional pages as necessary.**

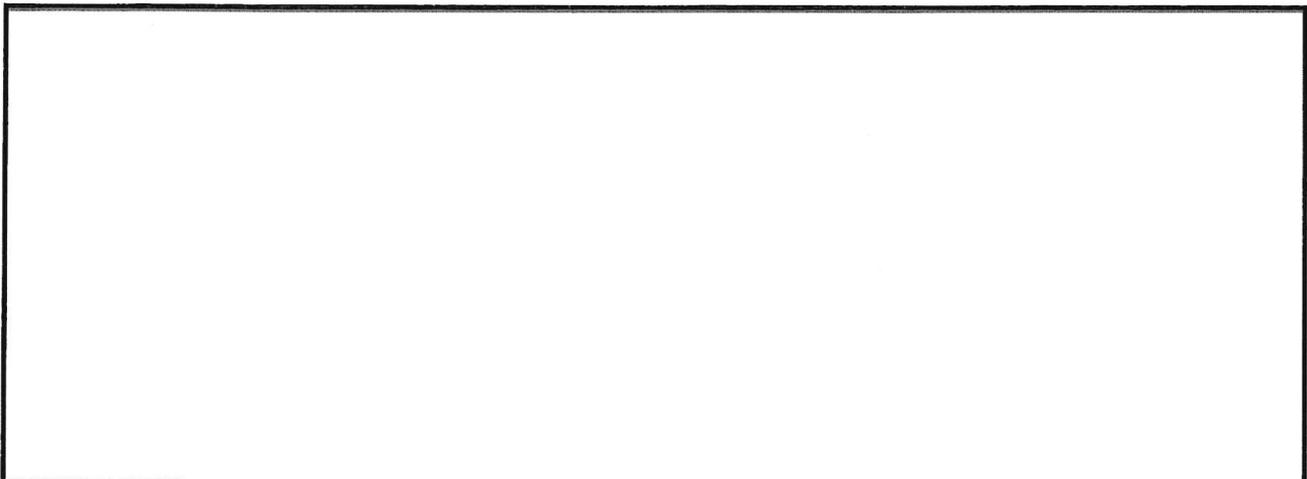
1. Alternatives that include modifications to the current proposed site to mitigate adverse impacts:



2. Alternatives located outside the floodplain and/or wetland:



3. No Action Alternative:



**STEP 4 – Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland. The floodplain evaluation should focus on the adverse impacts to lives and property and on natural and beneficial floodplain values. The wetlands evaluation shall consider factor’s relevant to a proposal’s effect on the survival and quality of the wetlands. Attach additional pages as necessary.**

	Impacts to Lives and Property	Impacts to Floodplain/Wetland
<p><b>Positive:</b> Describe positive or beneficial impacts to the floodplain/wetland, both direct and indirect</p>		
<p><b>Negative:</b> Describe negative or harmful impacts to the floodplain and/or wetland, both direct and indirect.</p>		
<p><b>Concentrated:</b> Describe concentrated impacts at or near the floodplain and/or wetland.</p>		
<p><b>Dispersed:</b> Describe dispersed or remote impacts occurring distant from the floodplain and/or wetland.</p>		
<p><b>Short-term:</b> Describe short-term impacts to the floodplain/wetland (temporary impacts occurring immediately after an action lasting a short while).</p>		
<p><b>Long-term:</b> Describe long-term impacts to the floodplain/wetland (impacts occurring during or after an action that persists for considerable time or indefinitely).</p>		

**STEP 5 – Where practicable, design or modify the proposed project to *minimize* the potential adverse impacts to lives, property, and natural values within the floodplain/wetland; and to *restore* and *preserve* the values of the floodplain/wetland. (Consult project engineer/architect and/or engineering/architectural report.)**

**Minimize-** “reduce harm to smallest possible degree;” far beyond mitigate or alleviate

**Restore-** re-establish environment in which natural & beneficial floodplain values can operate

**Preserve-** prevent modification to natural floodplain or maintain as closely as possible to its natural state

**Examples:** Minimize fill, minimize grading, restore natural contours, acquire/demolish/relocate non-conforming structures, preserve natural drainage, maintain/restore wetlands and riparian buffers, control urban runoff & storm water discharge, minimize tree cutting, elevate & flood proof structures, scale back size/scope of project, deed restrictions/covenants, permeable surfaces, natural landscape enhancements that maintain or restore natural hydrology, planting or restoring native plant species, bioswales, evapotranspiration, stormwater capture and reuse, green or vegetative roofs with drainage provisions, Natural Resources Conservation Service conservation easements or similar easements, flood proofing of structures, elevating structures including free boarding above the required base flood elevations, etc.

1. Explain the minimization, restoration, and preservation measure that will be taken to protect lives, property, and values of the floodplain/wetland. If a permit is required, state the permit and describe its requirements. Attach additional pages as necessary.

**STEP 6 – Re-evaluate alternatives identified in Step 3.**

1. Is the project still feasible (in light of the impacts to floodplain/wetland determined in Step 4 and the minimization, restoration and preservation opportunities identified in Step 5)?

2. In light of Steps 4 & 5, do alternatives previously reject in Step 3 appear feasible? Compare adverse impacts of alternatives. The reevaluation of alternatives shall include the potential impacts avoided or caused inside and outside the floodplain or wetland area. The impacts should include the protection of human life, real property, and the natural and beneficial functions and values served by the floodplain or wetland. A reevaluation of alternatives under this step should include a discussion of economic costs. For floodplains, the cost estimates should include savings or the costs of flood insurance, where applicable; flood proofing; replacement of services or functions of critical actions that might be lost; and elevation to at least the base flood elevation for sites located in floodplains. For wetlands, the cost estimates should include the cost of filling the wetlands and mitigation.

3. If neither proposed project nor alternatives are acceptable, the chosen alternative is "No Action."

**STEP 7 – If re-evaluation results in no practicable to relocate the project out of the floodplain/wetland, the decision must be made public: Notice of Explanation.**

Notice must include:

- Reasons why project must be located in floodplain
- Alternatives considered and locations by address
- All mitigation to be taken and actions to actions to restore and preserve natural and beneficial values

If the RE receives comments, the RE must consider the comments, respond in writing, and provide copies to CDBG. Attach a copy of the notice, affidavit of publication and/or tear sheet, and proof of distribution to environmental agencies and Tribes.

Name of Newspaper: \_\_\_\_\_ Date of publication: \_\_\_\_\_

Were comments received in response to the notice?

YES

NO

If "Yes", explain and attach all correspondence:

**STEP 8 – Implement the Project**

When compliance has been demonstrated and the release of funds has been issued, the project may be implemented. The RE has a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented. Mitigation measures must be incorporated, as appropriate, in project contracts and all related agreement documents.

# COASTAL ZONE MANAGEMENT

There are no Coastal Zones in Missouri.

Compliance Documentation: [NOAA Coastal Management](#)



## States and Territories Working on Ocean and Coastal Management

Click on a state or territory below to see what we're doing to manage your state's oceans and coasts.



- |                               |                                |  |
|-------------------------------|--------------------------------|--|
| <a href="#">Alabama</a>       | <a href="#">Alaska</a>         | <a href="#">American Samoa</a>           |
| <a href="#">California</a>    | <a href="#">Connecticut</a>    | <a href="#">Delaware</a>                 |
| <a href="#">Florida</a>       | <a href="#">Georgia</a>        | <a href="#">Guam</a>                     |
| <a href="#">Hawaii</a>        | <a href="#">Illinois</a>       | <a href="#">Indiana</a>                  |
| <a href="#">Louisiana</a>     | <a href="#">Maine</a>          | <a href="#">Maryland</a>                 |
| <a href="#">Massachusetts</a> | <a href="#">Michigan</a>       | <a href="#">Minnesota</a>                |
| <a href="#">Mississippi</a>   | <a href="#">New Hampshire</a>  | <a href="#">New Jersey</a>               |
| <a href="#">New York</a>      | <a href="#">North Carolina</a> | <a href="#">Northern Mariana Islands</a> |
| <a href="#">Ohio</a>          | <a href="#">Oregon</a>         | <a href="#">Pennsylvania</a>             |
| <a href="#">Puerto Rico</a>   | <a href="#">Rhode Island</a>   | <a href="#">South Carolina</a>           |
| <a href="#">Texas</a>         | <a href="#">Virgin Islands</a> | <a href="#">Virginia</a>                 |
| <a href="#">Washington</a>    | <a href="#">Wisconsin</a>      |  |

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## AIRPORT HAZARDS

### 24 CFR Part 51 Subpart D

**Runway Protection Zone (RPZ)**- area immediately beyond the ends of FAA civilian airport runways

**Clear Zone (CZ)**- area immediately beyond ends of military airfield runway

**Accident Potential Zone (APZ)**- are immediately beyond the Clear Zones of military airfield

1. Is the project within 2,500 feet of the end of a civilian airport or 15,000 feet of a military airport?

YES  NO

\*For Civil Airports- applies to all commercial service airports as designated in the **National Plan of Integrated Airport System (NPIAS)**- shown as "P" and "CS"; does not apply to other designations

2. Is the project located within a Runway Protection Zone, Clear Zone, or Accident Potential Zone?

YES  NO

3. For projects within APZ:

- A. Do project activities, regardless of funding source, involve new construction; substantial rehabilitation; acquisition of undeveloped land; activities that would significantly prolong the physical or economic life of existing facilities or change the use of the facility to a use that is not consistent with the recommendations of the Department of Defense (DOD)'s Land Use Compatibility Guidelines; activities that would significantly increase the density or number of people at the site; or activities that would introduce explosive, flammable, or toxic materials to the area?

YES  NO  
 N/A

\*If "Yes," the project must be in conformance with **DOD guidelines** to proceed at this location.

For projects within RPZ/CZ:

- B. Does the project consist of only facilities that will not be frequently used or occupied by people?

YES  NO  
 N/A

\*If "Yes," obtain written assurance by the airport operator that there are no plans to purchase the land involved as part of a RPZ/CZ acquisition program.

- C. Does the project consist solely of minor rehabilitation (<75% pre-rehab value), purchase, sale, or rental of an existing property without significantly prolonging the physical or economic life of the property?

YES  NO  
 N/A

\*If "Yes," include a statement signed by buyer indication receipt of **notification of airport hazards**.

\*If "No" to 3B and 3C, the project cannot proceed at this location.

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region)

Consulted NPIAS and NEPAssist (8/9/23) to determine there are no commercial airports within 2,500 feet of the project site, nor are there any military airports within 15,000 feet of the site. (See attached NEPAssist and MO NPIAS Map).

**ENDANGERED SPECIES**  
**Endangered Species Act (ESA), Section 7 - 50 CFR Part 402**  
**Endangered Species Act of 1973**

1. Generate an official species list using U.S. Fish and Wildlife Service's IPac tool AND a Missouri Natural Heritage Report.
2. Determine if the project will affect threatened species, endangered species, or critical habitat using USFWS's Effect Determination Tool. Indicate which level of effect the project will have:
  - No Effect → *provide documentation, no consultation required*
  - May affect, but not likely to adversely affect → *submit a letter to USFWS and MDC with a written analysis of effects, requesting concurrence*
  - May affect, likely to adversely affect → *formal consultation with USFWS and MDC required, including biological opinion, potential jeopardy determination and incidental take statement*

If a "May Affect..." determination was made, explain all mitigation measures or explain why mitigation is not necessary.

Consultation with USFWS determined that in order to mitigate harm to potential species in the area, tree clearing is limited to the inactive season of bats. A determination key was also conducted through IPaC regarding the Northern Long-Eared Bat and issuance of an NLAA consistency letter (see attached). Prior to clearing trees, a Phase 1 Bat Habitat Assessment will be conducted.

Tree clearing will only take place after November 1, 2023 and will be completed before April 1, 2024.

**Compliance Determination Summary:** *Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region)*

Per Gabriela Wolf-Gonzalez, Fish and Wildlife Biologist, USFWS, 8/3/23:  
"Because tree clearing will occur during the inactive bat season and is limited to .5 acres, the USFWS concurs with the determination that the proposed project may affect but is not likely to adversely affect a federally listed species. Additionally, the Missouri Field Office does not contest the NLAA Consistency Letter for northern long-eared bats.

Should the scope, timing, or manner of activity change, please contact the USFWS Missouri Ecological Services Field office."

Supporting documentation includes: MDC Natural Heritage Review (generated 5/22/23), USFWS IPaC Species and Resources List (generated 7/20/23 and 8/16/23, respectively), NLAA consistency letter (generated 7/20/23), and USFWS correspondence (8/3/23). See attached.

**WILD AND SCENIC RIVERS**  
Wild and Scenic Rivers Act of 1968 36 CFR Part 297

1. Is the project within proximity to any of the following rivers or river segments and their respective tributaries (*include a map of all rivers, segments, and tributaries in the jurisdictional county of the project site, with site clearly indicated*)

- A. Wild and Scenic Rivers- (the Eleven Point River is the only one in Missouri)
- B. Study Rivers- (there are currently none in Missouri)
- C. Nationwide Rivers Inventory- (state designated river segments)

YES     NO  
 YES     NO  
 YES     NO

2. If so, could the project do any of the following?

YES     NO

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonable diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment (this can be determined by consulting the River Management Plan for the River or River segment in question to determine the River's outstanding values)?

*If the project could impact the Eleven Point River as determined in question 2, please contact the U.S. Fish and Wildlife Service.*

*If the project could impact a River listed on the Nationwide River Inventory as determined in question 2, please contact the National Park Service.*

Explain all required mitigation measures resulting from consultation with either of the above entities:

No mitigation measures are required.

**Compliance Determination Summary:** *Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region)*

The project is not located along the Eleven Point River (See attached). There is no NRI-designated body of water in the vicinity of the project (See attached). To minimize potential effects to waterways, erosion control silt fences will be utilized, no chemicals or fertilizers will be used that could negatively affect waterways, and the construction staging area will be well away from waterways.

**FARMLAND PROTECTION**  
**Farmland Protection Policy 7 CFR 658**

1. Does the project involve new construction, acquisition or disposition of undeveloped land, or conversion that could potentially convert one land use to another?  YES  NO

2. If yes to Question 1, does your project meet one or more of the following exemptions?

Construction limited to on-farm structures needed for farm operations  YES  NO

Construction limited to new minor secondary (accessory) structures such as a garage or storage shed  YES  NO

Project on land used for water storage  YES  NO

Project on land already in or committed to urban development (land with a density of 30 structures per 40-acre area; lands identified as "urbanized area" (UA) on the Census Bureau Map; as urban area mapped with a "tint overprint" on the USGS topographical maps; or as "urban-built-up" on the USDA Important Farmland Maps  YES  NO

3. If yes to Question 1 and no to Question 2, does "**Important Farmland**" (including prime farmland, unique farmland or farmland of statewide or local importance) regulated under the **Farmland Protection Policy Act (FPPA)** occur on the project site?  YES  NO

If "Yes," consider alternatives to completing the project on important farmland and means of avoiding impacts to Important Farmland and submit a completed **AD-1006 "Farmland Conversion Impact Rating" Form** to USDA Natural Resources Conservation Service. Notify the state soil scientist prior to sending.

Explain all required mitigation measures resulting from consultation with NRCS:

No mitigation measures are required

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, current land use of project site, etc.)

No Important Farmland occurs in the unexamined parcel being reviewed in this amendment (see attached). Additionally, according to 7 CFR 658.3(c) the Farmland Protection Act is inapplicable, as it states "Only assistance and actions that would convert farmland to nonagricultural uses are subject to this Act." Partial project sites included in the original environmental record are located in USDA important farmland, but the entire project area resides within the city limits of the City of Branson and so meets the fourth exemption under Q2.

**NOISE CONTROL**  
**24 CFR Part 51 Subpart B**

1. Is the proposed project a noise sensitive land use (residential, school, day care center, community center, library, hospital, nursing home, auditorium, health clinic, shelter, etc)?  YES  NO

2. Is the proposed project located within proximity of the following major noise sources? Provide a map with the following major noise sources identified in proximity to the project site.  YES  NO

Within 1,000 feet of a major roadway (high volume traffic, heavy truck traffic, etc.)

Within 3,000 feet of a railroad

There is a designated quiet zone in the area of the project.

Within 15 miles of an airport with **9000 or more enplanements per year**

Other significant noise sources: \_\_\_\_\_

(Industrial/manufacturing facilities; power generating stations; recreational facilities such as racing speedways/ tracks, and motorcycle trails, etc.)

If "Yes" to #1 and #2, complete a Noise Assessment, explain the outcome, and describe all resulting mitigation:

N/A

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, etc.)

Minor noise would be generated during construction of the project. This project would not generate any additional noise after completion. No impacts to noise would occur as a result from the implementation of the project. It should also be noted that the intended outcome of the overall project will be a residential development, but currently the land is undeveloped and unoccupied and therefore cannot be considered a noise sensitive land use at the time of this review. Additionally, the project resides within 15 miles of the Branson Airport, however, according to the Federal Aviation Administration, the airport did not receive more than 9,000 enplanements during CY2022 (see attached).

## EXPLOSIVE AND FLAMMABLE OPERATIONS

### 24 CFR Part 51 Subpart C

1. Hazardous facilities included in the project:

- A. Does the proposed project include a hazardous facility (a facility that mainly stores, handles, or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?  YES  NO
- B. If so, is the hazardous facility located at an Acceptable Separation Distance (based on standards in the regulation) from residences and any other facility or area where people may congregate or be present?  YES  NO

2. Aboveground stationary storage tanks near the project:

- A. Does this project include any of the following activities: (1) development, construction, or conversion of any project intended for residential, institutional, recreational, commercial, or industrial use; (2) rehabilitation or modernization that will increase residential densities or make a building habitable; or (3) any project activity that will encourage congregation of people in an outdoor, unprotected facility?  YES  NO
- B. If "Yes," are there any current or planned stationary aboveground storage containers:
- Of more than 100 gallon capacity, containing common liquid industrial fuels, or
  - Of any capacity, containing hazardous liquids or gases that are not common liquid industrial fuels?
- YES  NO

Include a map showing all above ground storage containers in proximity to the project site within a one mile radius.

- C. If "Yes", is the Separation Distance from the project acceptable based on standards in the regulation?  YES  NO
- If "No," a barrier is required to mitigate the project, or it should be moved to a different location.

Detail all mitigation measures that will be implemented, including the timeline for implementation:

No mitigation measures are required

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, current land use of project site, etc.)

Based on Missouri DNR's E-Start Map (attached, generated 8/14/23), there are no hazardous facilities or storage tanks within or near the project area. Therefore, the proposed project will not require any additional mitigation measures as determined by Questions 1A and 2B.

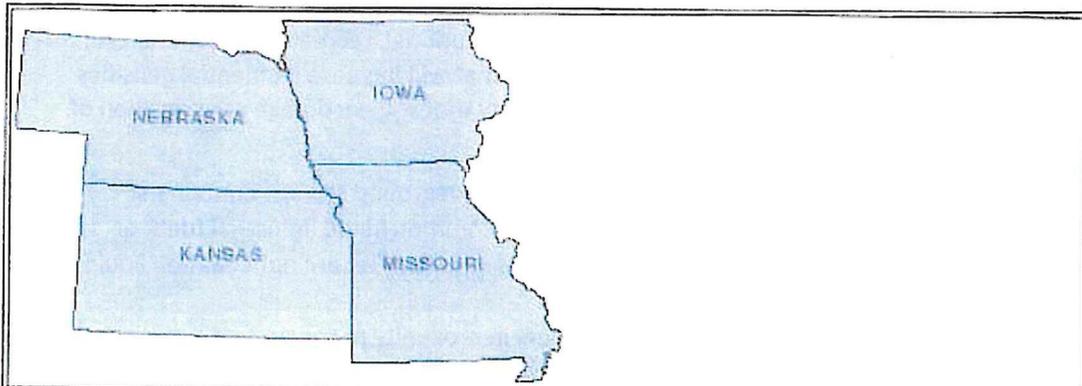
## WATER QUALITY

### 40 CFR Part 149

There are no sole source aquifers in the State of Missouri

## Designated Sole Source Aquifers in EPA Region VII

Iowa, Kansas, Missouri, Nebraska



### REGION VII (IA, KS, MO, NE)

Stephanie Lindberg  
Drinking Water/Ground Water Branch  
EPA Region 7  
901 N. 5th Street  
Kansas City, KS 66101  
phone: (800) 223-0425  
email: lindberg.stephanie@epa.gov

*There are no designated Sole Source Aquifers in Region VII. Contact the coordinator above for more information about designating SSAs in Region VII.*

**AIR QUALITY**  
**40 CFR Parts 6, 51, 93**

1. Is the project in an **EPA-designated nonattainment** or maintenance area for any criteria pollutants?  YES  NO

2. If "No," could create emissions impairing the air quality of an area already in attainment?  YES  NO  
If "Yes" to question 1, does the project include five or more dwellings OR new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities units that will involve the potential for air emissions or a significant traffic increase?  YES  NO

3. If "Yes" to either of the scenarios in question 2, obtain a determination from the EPA Region 7 State Air Program and the DNR Air Pollution Control Program that proposed activities conform to the State Implementation Plan.  YES  NO

**ASBESTOS:**

1. Does the project involve demolition or renovation of buildings or bridges or removal of asbestos water or sewer pipes where the disturbed area is greater than 260 linear feet or 160 square feet?  YES  NO

If "Yes," a Missouri DNR Certified Asbestos Inspector must be hired to perform a thorough asbestos inspection. If friable asbestos containing materials are present and require removal, a Missouri registered asbestos abatement contractor must be hired.

**MOLD:**

1. Does the project entail rehabilitation of any building with evidence of mold on any building component, or an interior moisture-related problem, including roof leaks or moisture in and around the interior foundation or crawl space? *Document a site visit and attach color photos.*  YES  NO

Explain all required mitigation measures and/or required permits required for nonattainment, asbestos, and mold:

No mitigation measures are required.

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, potential for the project to encourage further development in the area, sources, types, and amounts of emissions associated with the finished project, potential for odors and fumes produced by the finished project or surrounding areas, etc.)

Consulted EPA-designated Nonattainment Areas for Missouri; Taney County is not listed. 8/14/23. No rehabilitation or demolition to mold or asbestos-infected structures is being done as part of this project. No new emissions being produced. No mitigation required.

## CONTAMINATION AND TOXIC MATERIALS

### NEPAssist Mapping Layer Descriptions, 24 CFR 58.5(i) (2)

\*Removal of Hazardous Waste must comply with the DNR Universal Waste Rule

1. Is fill/borrow material required for the project?  YES  NO  
If "Yes," complete a separate "Contamination and Toxic Materials" worksheet for the fill site.
2. Explain previous uses of the project site and attach acceptable documentation: *(historical research of property, information from prior land owners, deed, title, easements, liens, aerial photographs, etc.)*

Previously undeveloped, vacant land. See attached historical aerial photos.

3. A Phase I ESA should be completed if the site meets any of the following criteria. List the websites the ER preparer uses to verify contamination and/or toxic materials, such as Superfund, eStart, Landfills, Underground Storage Tanks (UST), Enforcement and Compliance History Online (ECHO), U.S. Environmental Protection Agency (EPA), Envirofacts, etc.

- Involves new construction of a facility that will be occupied by people
- Within 1 mile of a Superfund Site
- Within 1 mile of a MO Department of Natural Resources (MO DNR) eStart active site
- Within 0.5 mi. of a Toxic Release, Brownfield, Long-term Stewardship, or Inactive Voluntary Cleanup Program (VCP) site
- Within 0.5 mi. of a Leaking UST
- On or adjacent to any MO DNR eStart hazardous substance or storage tank site.
- Has an underground storage tank
- Hazardous substances, pollutants, or contaminants have been stored or dumped on the site
- Is near an industry or in an industrial area disposing of chemicals and/or hazardous waste
- Within 0.5 mi. of a landfill site

4. If one of the above criterion was selected, but a Phase I ESA has/will not be completed, please indicate why.

N/A

5. Phase I:
- a. Has a current ASTM 1527-13 Phase I ESA been completed?  YES  NO
- b. Based on the Phase I, does contamination exist or is suspected to exist at the site?  YES  NO

6. Phase II:

A. Is a Phase II Assessment recommended?

YES  NO

B. Has a Phase II Assessment already been completed?

YES  NO

C. Based on the Phase II Assessment, does contamination exist at the site?

YES  NO

7. If present, explain if contamination will affect the health and safety of occupants or conflict with intended use of the site, how it will be addressed, and/or any contamination cleanup procedures and mitigation and whether the cost and timeline for cleanup are feasible for the project.

N/A

**LEAD-BASED PAINT:**

Does the project involve any activities done for compensation that disturbs painted surfaces (includes most repair, remodeling, and maintenance activities, as well as weatherization and demolition) to residential houses, apartments, and child-occupied facilities built before 1978?

YES  NO

If "Yes," requirements associated with the [Renovation, Repair, and Painting Program Rule](#) must be followed, including testing all affected surfaces coated with paint, shellac, varnish, stain, coating or even paint covered by wallpaper, if it will be disturbed during the renovation work, and the use of an EPA "Certified Renovator."

\*For projects involving rehabilitation, rental assistance, homebuyer assistance, leasing, or support services for a residential property or the operation of emergency shelters, please use [the Lead Rule Compliance Advisor](#) to determine compliance with HUD's Lead Safe Housing Rule.

\*Presence of lead should be considered for painted bridges and water towers and soil of child-occupied facilities.

**RADON:**

1. Does the project entail new construction for residential purposes, long term occupancy of people, or schools?

YES  NO

If Yes, radon testing, radon resistant construction practices and/or a radon mitigation system for levels 4.0 picocuries per liter or higher is required.

2. Does the project entail substantial rehabilitation to any building for residential purposes, long term occupancy of people, or schools?

YES  NO

If Yes, radon testing, radon resistant construction practices and/or a radon mitigation system for levels 4.0 picocuries per liter or higher is required.

Explain all mitigation measures and/or required permits required for contamination and toxic materials, lead-based paint, and radon:

Construction plans will use radon resistant construction practices and/or radon mitigation system.

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, etc.)

After review of several online resources and previous environmental record materials, it has been determined that no potential threats of RECs, CRECs, or HRECs will affect the project location. Databases queried include: DNR E-Start, DNR Solid Waste Management, NEPAassist, ECHO, and previously examined studies submitted in the original ERR (8/15/23).

All sites reviewed were determined to have no potential for direct impacts to the subject property based upon their location, use, and regulatory program. Following is a description of the identified sites:  
TRACK IV, 3345 W Highway 76. This facility is located approximately 0.14 mile southwest of the subject property at a higher elevation. A petroleum or hazardous substance storage tank closure and/or regulated release was addressed prior to the adoption of the 2004 Missouri Risk-Based Corrective Action Guidance for Petroleum Storage Tanks. An evaluation found that no further action was warranted based on the tank closure or corrective action process in use at the time.

TRACK V, 3525 W Highway 76. This facility is located approximately 0.19 mile southwest of the subject property at a higher elevation. A petroleum or hazardous substance storage tank closure or regulated release was addressed under the Missouri Risk-Based Corrective Action Guidance for Petroleum Storage Tanks. Evaluation of environmental media found that concentrations of any remaining contaminants, if present, do not pose an unacceptable risk to human health or the environment.

76 Express, 3305 W. Highway 76. This facility is located approximately 0.22 mile south of the subject property at a higher elevation. A spill resulted in saturated soils and potential groundwater contamination. According to the UST database, the facility has four active USTs (two 10,000-gallon gasoline, one 8,000-gallon gasoline, and one 4,000-gallon diesel). Two 10,000-gallon USTs were removed in 1994. A No Further Action Letter was issued with restrictions. The regulated release was addressed under the Missouri Risk-Based Corrective Action Guidance for Petroleum Storage Tanks. Evaluation of environmental media found that concentrations of any remaining contaminants, if present, do not pose an unacceptable risk to human health or the environment provided that Activity

## ENVIRONMENTAL JUSTICE

### Executive Order 12898

**\*HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, have been completed.**

1. Were any adverse environmental impacts identified in the preceding compliance review portion of this environmental review?  YES  NO
2. If yes to Question 1, were these adverse environmental impacts disproportionately high for low-income and/or minority communities? Include maps showing project area's income and minority levels.  YES  NO  
 NA
3. If yes to Question 2, can the adverse impacts be mitigated?  YES  NO  
\*The affected community should be meaningfully informed and involved in the planning process to address the adverse effects  NA

**Compliance Determination Summary:** Provide a clear description of your determination and a synopsis of the information that it was based on (e.g. map panel numbers and dates, names of all consulted parties and relevant consultation dates, names of plans or reports and relevant page numbers, any additional requirements specific to your region, etc.)

After evaluation of all environmental impact areas, it was determined no adverse effects would occur from completion of the project. Additionally, based upon review of EPA Environmental Justice tool, EJScreen (see attached maps, generated 8/15/23), it was determined the project location is not comprised of low-income or minority populations therefore we do not anticipate any disproportionate environmental impacts as a result of the finished project.

## LAND DEVELOPMENT

1. Conformance with Plans: Briefly explain whether the proposed project conforms to current community plans. Attach relevant pages from community's plan.

Relevant to expanding the WWTP is Branson Comprehensive Plan pgs 22-27 and 41-49. (See attached Comp Plan).

"The creation of " attainable housing" was identified by the community throughout the Community Plan 2030 information gathering process, with specific ideas about the types of housing that should be built (i.e. dormitories, the homeless, etc.). In addition, the needs of persons in poverty were also called out."

Action items to achieve results were as follows:

"Encourage public and private, for-profit and non-profit sectors to take actions to develop and maintain an adequate supply and price range of single-family, multi-family and manufactured housing for market demands

2. Compatible Land Use and Zoning: Describe the proposed and adjacent sites' current land use and zoning. Include current zoning map.

The project location resides in a Community Commercial zoning district, as depicted by the attached zoning map. Adjacent properties reside in the Downtown zoning district. The project location is presently unoccupied and is ready for development of affordable housing and related public infrastructure.

3. Scale and Urban Design: If new construction, how will the project conform with the surrounding natural and built environment?

The proposed project will require construction of both a public street extending from Gretna Road as well as a private street that loops through the development. These streets will be designed and constructed per the City of Branson' s design criteria for local streets and consist of asphalt pavement with concrete curb and gutter to control stormwater runoff. Storm sewer improvements will be designed and constructed as required by the City of Branson in order to direct storm water runoff to two detention ponds. This will ensure runoff leaving the site is at a rate less than pre-development runoff rates.

4. Soil Suitability: Briefly explore the soil suitability for the land use associated with this project. Attach geotechnical or soil study.

The subject property is located within the Interior Highlands physiographic province, Salem Plateau region which is underlain by Jefferson City Dolomite and the Roubidoux Formations. The Gasconade Dolomite present has large water storing capacity which forms a limestone and cherty limestone bedrock surface.

Soils within the subject property are classified by the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS) and are described in the EDR Report and NRCS Web Soil Survey report. Subject property soils have typical profiles described as ranging from very Viration silt loam (2 - 5% slopes) and Ocic-Gatewood complex (15 - 35% slopes). Depth to bedrock is greater than 80 inches. Depth to water table is

5. Slope: If the site is on a slope, how will the project be affected and how might the project affect slope conditions? How will they be addressed?

According to the Garber MO U.S. Geological Survey (USGS) 7.5 Minute Quadrangle Map the topography slopes from northwest to southeast across the subject property. The elevation at the Gretna Road is approximately 1300 feet falling 30-feet southeast.

Subject property soils have typical profiles described as ranging from very Viration silt loam (2 - 5% slopes) and Ocic-Gatewood complex (15 - 35% slopes). Depth to bedrock is greater than 80 inches. Depth to water table is greater than 36 inches.

The location of detention basins will effectively collect stormwater from the Elevate Branson community due to the landscape's slope. The slope works to the advantage of the basins and will further mitigate the impacts of

6. Erosion: If site clearance is necessary, explain the measures that will be taken to manage and control it. Describe any erosion control measures at project completion that will be included in the construction contract.

The subject property is located within the White River Basin over the Salem Plateau Groundwater Province which is underlain by the St. Francois and Ozark aquifers. The most widely used and important groundwater supply source is the Ozark aquifer. An unnamed tributary is located near the subject property northern property boundary. The tributary flows east/southeast discharging into an unnamed tributary to Bee Creek.

The ground will be disturbed and flattened across the original project residential area to mitigate erosion hazards. Stormwater detention basins will effectively direct the flow of stormwater along the natural slope and

7. Drainage/ Storm Water Runoff: Consider the impact of the project on storm water drainage and the impact of storm water on the project, particularly in regard to the proximity of the system (natural flow, storm sewer, or combined sewer) and the capacity of the system to accommodate the project.

The proposed project will require construction of both a public street extending from Gretna Road as well as a private street that loops through the development. These streets will be designed and constructed per the City of Branson's design criteria for local streets and consist of asphalt pavement with concrete curb and gutter to control stormwater runoff. Storm sewer improvements will be designed and constructed as required by the City of Branson in order to direct storm water runoff to two detention ponds. This will ensure runoff leaving the site is at a rate less than pre-development runoff rates. Please refer to Appendices A and B for a comprehensive stormwater evaluation and mitigation measures designed for the project.

8. Hazards and Nuisances/Including Site Safety and Noise: Describe the considerations made to ensure that the project is located and designed to minimize potential risk to the public or project users from both natural and man-made risks .

According to DNR EStart, there are no toxic or hazardous containers in the area. There is no presence of rail for noise effects either. There would be no impacts to hazardous and toxic substances.

9. Energy Consumption: If possible, describe the measures that will be taken to maximize opportunities for energy efficiency associated with the project.

The property will be served by an existing overhead power line located on the west side of the property near the proposed entrance. The overhead line is maintained by Liberty Utilities and it is likely that this project will be designed using underground facilities fed by a riser that will be installed on the existing power pole.

## SOCIOECONOMIC

1. Employment and Income Patterns: Describe the potential affect the project will have on local employment, including temporary jobs created during construction, permanent jobs, and the job requirements of the new residents.

During construction, some temporary jobs may be created but those will be very short term. The project addresses the lack of affordable housing, especially that within walking distance of most jobs along Highway 76, therefore, Elevate Branson proposes to build Elevate Community Village, a master-planned community of approximately 48 homes that will provide permanent housing to those displaced by the 2017 historical flooding in Branson as well as LMI households and defined vulnerable populations. Residents will have many employment opportunities in the area being located near Highway 76. Residents can also learn employability and trade skills at the automotive shop where the public can get their oil changed and autos detailed. Or they can create art, crafts, and build furniture to sell for additional income.

2. Demographic Character Changes: Briefly explore the possible effects the project could have on the social networks, institutional ties, and physical dimensions that make up the community(ies) within the area of the likely impact of the proposed project.

As this proposed community is built, those displaced by the 2017 flooding, as well as individuals experiencing homelessness, or living below the federal poverty line will have the opportunity to apply for housing. Interested individuals will be screened by Elevate Branson' s on staff case managers and selected individuals will have some form of income either from employment or assistance to pay an affordable monthly rental rate which will provide enough revenue to pay for the operations of Elevate Community Village. Also, residents can learn employability and trade skills at the automotive shop where the public can get their oil changed and autos detailed. Or they can create art, crafts, and build furniture to sell for additional income.

3. Displacement: Will the project result in direct or indirect displacement? If so, explain the measures in place to alleviate the hardship associated with the displacement.

As this proposed community is built, those displaced by the 2017 flooding, as well as individuals experiencing homelessness, or living below the federal poverty line will have the opportunity to apply for housing; effectively mitigating displacement caused by flooding impacts. All impacted by project are LMI.

## COMMUNITY FACILITIES

1. Educational and Cultural Facilities: If the proposed project will directly or indirectly affect growth of the population, discuss whether there is adequate capacity in current schools and safe access to them, as well as any measures that will be taken to mitigate adverse impacts.

Most of these resources are obtained outside the proposed Elevate Community Village and the completion of this project is unlikely to change the provision or accessibility of these services. However, on the site there will be three workshops that residents can use to build upon skills and receive necessary services (ex: auto shop). There will also be a community theater and community entertainment availability, so the cultural resources will be improved.

2. Commercial Facilities: If the proposed project will directly or indirectly affect growth of the population, explain if existing commercial facilities are adequate. For Economic Development projects, explain the implications the project will likely have on surrounding commercial establishments.

Most of these resources are obtained outside the proposed Elevate Community Village and the completion of this project is unlikely to change the provision or accessibility of these services. However, on the site there will be three workshops that residents can use to build upon skills and receive necessary services (ex: auto shop). There will also be a community theater and community entertainment availability, so the cultural resources will be improved.

3. Health Care: If the proposed project will directly or indirectly affect growth of the population, consider the access to and capacity of emergency and non-emergency health care services.

Most of these resources are obtained outside the proposed project site and the completion of this project is unlikely to change the provision or accessibility of these services. Better infrastructure could see population growth and more need for emergency services, but likely small changes.

4. Social Services: If the project will result in new residents/users of social services, consider the availability and accessibility of appropriate services.

Most of these resources are obtained outside the proposed project site and the completion of this project is unlikely to change the provision or accessibility of these services. Elevate Branson will provide some sort of case management for clients.

5. Solid Waste Disposal/Recycling: Describe the waste associated with all phases of the project, as well as how it will be handled.

Project unlikely to impact solid waste disposal and recycling, any foreseeable problems will be mitigated by connecting the Elevate Community Village to the city's solid waste and recycling systems.

6. Waste Water/Sanitary Sewers: For all new development, consider the availability of adequate wastewater disposal services.

Project unlikely to impact wastewater and local private sewers, any foreseeable problems will be mitigated by connecting the Elevate Community Village to the city's water, sewer, and sanitary systems.

7. Water Supply: For all new development, consider the availability of adequate wastewater disposal services and whether the water requirements of the project will significantly impact the community's water supply.

Project unlikely to impact wastewater and local private sewers, any foreseeable problems will be mitigated by connecting the Elevate Community Village to the city's water, sewer, and sanitary systems.

8. Public Safety- Police, Fire, and Emergency Medical: If the proposed project will directly or indirectly affect growth of the population, consider the availability and adequacy of emergency service that may be required at the proposed project.

Better infrastructure could see population growth and more need for emergency services, but likely small changes.

9. Parks, Open Space, and Recreation: If the proposed project will directly or indirectly affect growth of the population, consider the availability of and ease of access to recreation spaces, open spaces, and cultural resources.

Better infrastructure could increase population, but likely little to no impact on the availability or quality of these services unless there is significant growth. Recreational/vocational activities will be available on site in three workshops that will serve the needs of residents.

10. Transportation and Accessibility: Assess the transportation impacts of the project in regard to the four sub-elements of transportation—access, balance, safety, and level of service.

Long-term little to no impact on transportation services unless the project fuels significant population growth.

## NATURAL FACILITIES

1. Unique Natural Features: Will the project location, construction, or its users destroy, isolate from public or scientific access, or adversely impact unique or locally important natural features on or near the site?

The project site is within zoning for residential development. It is in a well developed area with many man-made features surrounding it. No natural features identified in the area. Public access will be provided via a public road into the subdivision. Project will not adversely impact unique or locally important natural features near the site.

2. Water Resources: Describe the project's potential effect on groundwater and surface water, with particular consideration to impervious surfaces, runoff, and nearby streams and other water sources.

The project would generate no additional discharge to surface water after completion. Stormwater runoff impacts to surrounding properties would be mitigated using best practices for floodproofing and drainage resources. Stormwater runoff will be directed to two nearby detention ponds that will effectively reduce erosion and flooding. There would be no impacts to water resources from implementation of the project. USACE Section 404 permit is not required.

3. Vegetation: Consider the project's impacts to vegetation, including site clearance. Describe mitigation measures.

There are no State and National Parks, National Wildlife Refuges, or National Game Preserves located on or in the vicinity of the proposed project activities. There are no Wilderness Areas, as designated or proposed under the Wilderness Act, or wild or scenic rivers, as designated or proposed under the Wild and Scenic Rivers Act, that are located on or in the vicinity of the proposed project activities. Tree removal is required as part of this project, and trees will only be removed during non-roosting times, with winter tree clearing restrictions (tree removal during November 1 to March 31).

4. Wildlife: Consider the project's impacts to wildlife, including site clearance. Describe mitigation measures.

There are no State and National Parks, National Wildlife Refuges, or National Game Preserves located on or in the vicinity of the proposed project activities. There are no Wilderness Areas, as designated or proposed under the Wilderness Act, or wild or scenic rivers, as designated or proposed under the Wild and Scenic Rivers Act, that are located on or in the vicinity of the proposed project activities. Endangered species that may be present at the site include bats. Tree removal is required as part of this project, and trees will only be removed during non-roosting times, with winter tree clearing restrictions (tree removal during

For each environmental impact where the determination will be affected by the proposed changes to the project, please provide an explanation for how the impacts will be addressed and whether it affects the original ER finding. Please justify your determination.

Based upon the results of the amendment to the environmental review record, no threatening environmental impacts were identified. Determination that no effect on the environment has been validated through extensive research, database compilation, consultation with federal and state agencies, and collaboration with the City and project engineer. The results of this amendment coincide with the original environmental review Finding of No Significant Impact.

**CERTIFICATION OF ORIGINAL ENVIRONMENTAL FINDING:**

The Responsible Entity has completed an Amendment to the Environmental Review Record. In conformance with HUD Federal regulation 24 CFR 58.47 – *Re-evaluation of environmental assessment and other environmental findings*, the original environmental review record was examined and the Finding of No Significant Impact (FONSI) determination remains valid.

In my capacity as Certifying Officer on behalf of the Responsible Entity and in conformance with Part 58, I certify that I have independently evaluated the Amendment, including all related documentation, and have supplemented the Amendment with additional information where appropriate. On behalf of the Responsible Entity, I assume responsibility for the accuracy of the information contained herein. I hereby approve the Amendment and acknowledge all identified conditions for approval that must be implemented and appropriately documented.

\_\_\_\_\_  
Signature, RE Certifying Officer

\_\_\_\_\_  
Date

**PREPARER'S CERTIFICATION:**

As preparer of the Amendment as designated by the Responsible Entity, I certify to the accuracy of the information contained herein.

\_\_\_\_\_  
Preparer Signature

\_\_\_\_\_  
Date