



Wesley McPhail Environmental Specialist
2201 Northland Drive Office (512) 420-0303
Austin, TX 78756 Mobile (512) 636-5213
wesley@grantworks.net Fax (888) 883-5417

Planning, Housing, and
Community Development Service
for Texas Since 1979

TO:	David Kocurek, City Manager	DATE:	November 20, 2020
	City of Palacios	PROJECT:	Water Improvements/Street Improvements
RE:	Environmental Review Record Water Improvements/Street Improvements	CONTRACT:	TX CDBG 20-065-108-C295

Dear Mr. Kocurek:

We have completed the Environmental Review for the City's 2020 TX CDBG-DR project and have determined that the project is Categorically Excluded from full Environmental Assessment but subject to 24 CFR Statute 58.5. The next step is to certify the findings by signing the enclosed documents and posting the Notice of Intent to Request Release of Funds.

- 1. Environmental Review Record (ERR):** This ERR includes all environmental checklists and documentation required for this project. Please review and ask the Mayor sign where indicated. The enclosed following packet contains a digital copy of the preliminary Environmental Review Record for your reference.
- 2. Notice of Intent to Request Release of Funds:** The enclosed public notice must be posted at City Hall and to the City's Website on Monday, November 23, 2020, and remain on display until Thursday, December 03, 2020.
- 3. Request for Release of Funds:** This form states that the ERR is complete and that the City of Palacios requests that the state releases funds for the project after the public comment period. Please request that the Mayor sign the form and return it to GrantWorks, Inc. Please ask the Mayor to sign all three forms in **Blue Ink** and return it to GrantWorks, Inc.
The appropriate date for the request has been pre-printed on the forms; please do not alter this date.

Once the documents are signed, please **return them to GrantWorks as soon as possible**. I will submit a complete ERR to the state for their review on the appropriate date. At that point, I will also compile a complete ERR for your records and send to you in a separate file (a copy of which will also be maintained at GrantWorks). Please give me a call if you have any questions regarding this transmittal. Thank you for your assistance.

Sincerely,

Wesley McPhail

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Posting: 11/23/2020.

City of Palacios, P.O. Box 845, 311 Henderson,
Palacios, TX 77465-0845, (361) 972-3605

REQUEST FOR RELEASE OF FUNDS

On or after **Friday, December 04, 2020** the City of Palacios will submit a request to the Texas General Land Office for the release of Texas Community Development Block Grant Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended, to undertake a project known as Water Improvements/Street Improvements 20-065-108-C295, for the purpose of Administrative and Engineering Fees and Services and to repair and reconstruct the driving surface, sub-grade, and road base by applying prime coat seal and asphalt; replace and install culverts, including driveway culverts and inlets; adjust manhole rings and covers; regrade roadside ditches; and complete associated appurtenances. The work will take place on Gray Street from University Avenue to McGlothlin Road, on East Matagorda Avenue from Gray St. to East Bayshore Drive, on Elizabeth Avenue from State Highway 35 to Ruthven Street, on Beecher Avenue from State Highway 35 to Gray Street, on East Texas Avenue from State Highway 35 to East Bayshore Drive/County Road 305, on Harrison Street from University Avenue to McGlothlin Road, and on State Highway 35 from University Avenue to McGlothlin Road. If funding allows the City will also consider additional work of the same Character on East Austin Avenue from First Street/State Hwy 35 to Gray Street, and on East University Avenue from First Street/State Hwy 35 to Gray Street. All sites are located in the City of Palacios, Matagorda County, Texas. The City of Palacios has been awarded \$1,414,860.00 in grant funds.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at the Palacios City Hall, 311 Henderson, Palacios, Texas 77465-0845 and may be examined or copied weekdays from 8:00 AM to 5:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Office of the Mayor. All comments received by Thursday, November 04, 2020 will be considered by the City of Palacios prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The City of Palacios certifies to GLO that Lin Chau in their capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. GLO approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Palacios to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

GLO will accept objections to its release of funds and the City of Palacios's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Palacios approved by GLO (b) the City of Palacios has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs, or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by GLO; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Texas General Land Office – Community Development and Revitalization at P.O. Box 12873, Austin, Texas 78711-2873. Potential objectors should contact GLO to verify the actual last day of the objection period.

Lin Chau, Mayor

AFFIDAVIT OF POSTING

State of Texas
City of Palacios
Matagorda County

BEFORE ME, the undersigned Notary Public, on this day personally appeared,

_____, who, being by me duly sworn, stated:

1. Affiant is an employee of _____ and has personal knowledge of the facts stated in this affidavit.

2. On or before the date Monday, November 23, 2020, a notice was posted in both English and Spanish at the location of

_____. The notice was removed on or after close of business Thursday, December 03, 2020. A true and correct copy of the notice is attached.

Posted by

SUBSCRIBED AND SWORN TO BEFORE ME by the above-named affiant on

_____, 2020, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

My Commission expires:

AVISO DE INTENCIÓN DE SOLICITAR LA LIBERACIÓN DE FONDOS

Fecha de Publicación: 11/23/2020.

La Ciudad de Palacios, P.O. Box 845, 311 Henderson,
Palacios, TX 77465-0845, (361) 972-3605

SOLICITUD DE LIBERACION DE FONDOS

En o después de **Viernes 04 de Diciembre de 2020** la Ciudad de Palacios presentará una solicitud al Texas *General Land Office* para la liberación de fondos de *Texas Community Development Block Grant* bajo el Título I de la Ley de Vivienda y Ley de Desarrollo Comunitario de 1974 (PL 93-383), según enmendada, para emprender un proyecto conocido como Mejoras de agua / Mejoras de calles 20-065-108-C295, con el propósito de Servicios y tarifas de administración e ingeniería y para reparar y reconstruir la superficie de conducción, el subsuelo y la carretera base aplicando sellador y asfalto de primera capa; reemplazar e instalar alcantarillas, incluidas alcantarillas y entradas de vehículos; ajustar los anillos y las tapas de las alcantarillas; volver a calificar las zanjas de las carreteras; y accesorios asociados completos. La obra se llevará a cabo en Gray Street desde University Avenue hasta McGlothlin Road, en East Matagorda Avenue desde Gray St. hasta East Bayshore Drive, en Elizabeth Avenue desde State Highway 35 hasta Ruthven Street, en Beecher Avenue desde State Highway 35 hasta Gray Street, en East Texas Avenue desde State Highway 35 hasta East Bayshore Drive / County Road 305, en Harrison Street desde University Avenue hasta McGlothlin Road y en State Highway 35 desde University Avenue hasta McGlothlin Road. Si los fondos lo permiten, la Ciudad también considerará trabajo adicional de el mismo personaje en East Austin Avenue desde First Street / State Hwy 35 hasta Gray Street, y en East University Avenue desde First Street / State Hwy 35 hasta Gray Street. Todos los sitios están ubicados en la Ciudad de Palacios, Matagorda Condado de Texas. La Ciudad de Palacios recibió una beca de \$1,414,860.00.

Las actividades propuestas están categóricamente excluidas bajo los reglamentos de HUD en 24 CFR Parte 58 de los requisitos de la Ley de Política Ambiental Nacional (NEPA). Un Registro de Revisión Ambiental (ERR) que documenta las determinaciones ambientales para este proyecto está archivado en el City Hall de Palacios, 311 Henderson, Palacios, Texas 77465-0845 y puede ser examinado o copiado durante la semana a partir de las 8:00 AM a 5:00 PM.

COMENTARIOS DEL PÚBLICO

Cualquier persona, grupo o agencia puede enviar comentarios escritos sobre el ERR a la Oficina del Mayor. Todos los comentarios recibidos por Jueves, 03 de Diciembre de 2020 serán considerados por la Ciudad de Palacios antes de autorizar la presentación de una solicitud de liberación de fondos.

CERTIFICACIÓN AMBIENTAL

La Ciudad de Palacios certifica a la GLO que Lin Chau en su capacidad como Alcalde da su consentimiento a aceptar la jurisdicción de las cortes federales si una acción legal fuera iniciada para hacer cumplir responsabilidades relacionadas al proceso de revisión ambiental y que estas responsabilidades se satisfagan. La aprobación de la certificación por parte de GLO satisface sus responsabilidades bajo NEPA, y las leyes y autoridades relacionadas, y permite que la Ciudad de Palacios utilice los fondos del programa HUD.

OBJECIONES A LA LIBERACIÓN DE FONDOS

GLO aceptará objeciones a su liberación de fondos y la certificación por parte de la Ciudad de Palacios por un período de quince días a partir de la fecha anticipada de recibo o la fecha en que en efecto se reciba la solicitud de liberación de fondos (lo que ocurra más tarde) solamente si estas se basan en una de las siguientes posibles razones: (a) la certificación no fue firmada por el Oficial Certificador de la Ciudad de Palacios aprobado por GLO (b) la Ciudad de Palacios omitió un paso o no tomó una decisión o determinación que es requisito de la reglamentación de HUD en 24 CFR Parte 58; (c) el beneficiario de la subvención u otros participantes en el proceso de desarrollo comprometieron fondos, incurrieron en gastos o llevaron a cabo actividades no autorizadas por 24 CFR Parte 58 antes de que GLO apruebe la liberación de fondos; o (d) otra agencia federal actuando de acuerdo con 40 CFR Parte 1504 sometió una determinación de que el proyecto no es satisfactorio desde el punto de vista de calidad ambiental. Las objeciones deben prepararse y someterse de acuerdo con los requisitos procesales (24 CFR Parte 58, Sección 58.76) y dirigirse a Texas General Land Office – Community Development and Revitalization en P.O. Box 12873, Austin, Texas 78711-2873. Objetores potenciales deben contactar a GLO para verificar la fecha en que en efecto finaliza el período para objeciones.

Lin Chau, Mayor

Request for Release of Funds and Certification

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

OMB No. 2506-0087
(exp. 08/31/2023)

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

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Texas Community Development Block Grant Disaster Recovery	2. HUD/State Identification Number Federal Award No. B-17-DM-48-0001 GLO Contract No. 20-065-108-C295	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) CFDA No. 14.228	5. Name and address of responsible entity Glen Smith, Mayor City of Palacios P.O. Box 845, 311 Henderson Palacios, TX 77465-0845	
6. For information about this request, contact (name & phone number) Wesley McPhail (512) 420-0303	7. Name and address of recipient (if different than responsible entity) N/A	
8. HUD or State Agency and office unit to receive request Texas General Land Office Community Development and Revitalization P.O. Box 12873, Austin, Texas 78711-2873	7. Name and address of recipient (if different than responsible entity) N/A	
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following		
9. Program Activity(ies)/Project Name(s) City of Palacios Water Improvements/Street Improvements	10. Location (Street address, city, county, State) Gray St., E Matagorda Ave, Elizabeth Ave, Beecher Ave, E Texas Ave, Harrison St., State Hwy 35, E Austin Ave, & E University Ave, City of Palacios, Matagorda County, Texas.	

11. Program Activity/Project Description
The City of Palacios proposes to repair and reconstruct the driving surface, sub-grade, and road base by applying prime coat seal and asphalt; replace and install culverts, including driveway culverts and inlets; adjust manhole rings and covers; regrade roadside ditches; and complete associated appurtenances. The work will take place on Gray Street from University Avenue to McGlothlin Road, on East Matagorda Avenue from Gray St. to East Bayshore Drive, on Elizabeth Avenue from State Highway 35 to Ruthven Street, on Beecher Avenue from State Highway 35 to Gray Street, on East Texas Avenue from State Highway 35 to East Bayshore Drive/County Road 305, on Harrison Street from University Avenue to McGlothlin Road, and on State Highway 35 from University Avenue to McGlothlin Road. If funding allows the City will also consider additional work of the same Character on East Austin Avenue from First Street/State Hwy 35 to Gray Street, and on East University Avenue from First Street/State Hwy 35 to Gray Street. All sites are located in the City of Palacios, Matagorda County, Texas. with the grant from the Texas General Land Office in the amount of \$1,414,860.00.

The environmental notice was posted at City Hall on Monday, November 23, 2020. The local comment period ended Thursday, December 03, 2020. This RROF was signed on Friday, December 04, 2020 and submitted to the state. The state comment period is anticipated to end Tuesday, December 22, 2020 or 15 days after receipt of this request, whichever is later, with the issuance of the AUGF anticipated on Wednesday, December 22, 2020 or the next business day after the end of the objection period.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying office of the responsible entity

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer
Lin Chau, Mayor

Date signed
12/04/2020

X

Address of Certifying Officer

**City of Palacios
P.O. Box 845, 311 Henderson
Palacios, TX 77465-0845**

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

