

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO
REQUEST RELEASE OF FUNDS**

August 14, 2017

City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4th Floor
Houston, TX 77007
(832) 394-6183

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about **Thursday, August 30, 2017** the City of Houston's Housing and Community Development Department will submit a request to the U.S. Department of Housing and Urban Development for the release of the following funds:

Economic Development Initiative (EDI) funds authorized by Title I, Section 108(q) of the Housing and Community Development Act of 1974 (P.L. 93-383, 42 U.S.C. 5308), and

Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), regulations at 24 CFR part 570, subpart M,

to undertake a project known as:

Project Title: MacGregor HEB Grocery Store

Location: Approximately 12.4 acre subject property at the NE Corner of SH 288 & N. MacGregor Way, Houston, Harris County, Texas 77004. The size of the grocery store to be developed is roughly 72,000 square feet (1.65 acres).

Purpose of project: Land acquisition for the purpose of new construction of an HEB Grocery Store in south Houston, whose goal is to promote economic development and combat food deserts.

Roughly 300,000 square feet of land, or 6.9 acres (northern and eastern parts of site) were estimated to lie within the 100-year floodplain.

A stream on the eastern border of the site, although not identified in the National Wetland Inventory, is being taken into account since it contains approximately 1,100 linear feet of wetlands, none of which will be disturbed as part of the project. A Section 404 permit verification letter has been received for this area of stream.

No part of the subject property to be developed contains wetland, whether jurisdictional or non-jurisdictional (isolated).

An 8-step process has been completed for this project, documenting that this site was partly within the 100-year floodplain, that no other alternative sites were available in the area for a grocery store that would effectively combat food deserts, that the developed property would be elevated out of the 100-year floodplain, and that there would be no adverse impact on surrounding land or properties.

Please note that development/construction is conditioned on the issuance of a final Letter of Map Revision (LOMR) for the subject property that ensures the entire developed property is out of the 100-year floodplain in addition to compliance with all aforementioned provisions above, and all applicable state, federal, and local requirements governing floodplains, including but not limited to Chapter 19 of the Houston Code of Ordinances as applicable, as well as any and all other applicable environmental requirements.

**Grant No. & Amount: EDI Grant Number B-95-EZ-48-0006, \$8,800,000.00;
Section 108 Grant Number B-95-MC-48-1800 \$5,062,000.00**

FINDING OF NO SIGNIFICANT IMPACT

The City of Houston has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the above address and is available for public examination or copying weekdays 8 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 601 Sawyer, 4th Floor, Houston, Texas 77007. All comments received by the close of business on **Wednesday, August 29, 2017** will be considered by the City of Houston prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Houston certifies to HUD that Sylvester Turner, in his 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. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Houston to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Houston certification received by the close of business on **Thursday, September 14, 2017** or a period of fifteen days from its 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 or other officer of the City of Houston approved by HUD; (b) the City of Houston, as Responsible Entity, 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 project have

committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: U.S. Department of Housing and Urban Development, 1301 Fannin Street, Suite 2200, Houston, Texas 77002. Potential objectors should contact HUD to verify the actual last day of the objection period.

Sylvester Turner, Mayor
City of Houston