



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
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**Environmental Review for Activity/Project that is  
Categorically Excluded Subject to Section 58.5  
Pursuant to 24 CFR 58.35(a)**

**Project Information**

**Project Name:** True-Bethel-Commons

**HEROS Number:** 900000010358095

**Responsible Entity (RE):** NIAGARA FALLS, CITY HALL NIAGARA FALLS NY, 14302

**State / Local Identifier:**

**RE Preparer:** Edyta Chorostkowska

**Certifying Officer** Anthony Restaino  
**r:**

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** 1128 South Ave, Niagara Falls, NY 14305

**Additional Location Information:**

Irregular shaped parcel that has been amalgamated over the years, with frontage along South Ave to the south, 11th St to the west, Cleveland Ave to the north, and Lockport St to the southeast. The property consists of three buildings formerly used as the Sacred Heart School, rectory and convent, with associated parking areas. Surrounding properties include primarily residential and vacant parcels.

**Direct Comments to:** 745 Main Street, Niagara Falls, NY, 14301 or by email at  
NFNY.Planning@niagarafallsny.gov

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The True Bethel Commons project is an affordable multi-family housing project that includes 39 units of family rentals in Niagara Falls, NY. The project site is located in Qualified Census Tract 206 and involves the adaptive reuse of the vacant, former Sacred Heart School, Rectory and Convent buildings. All 39 units are for households at or below 50% of AMI and consist of 28 x 1-bedroom; 9 x 2-bedroom; and 2 x 3-bedroom apartments in the three buildings. The project was designed to meet Enterprise Green Communities requirements. Building amenities include a community room with a kitchen area, playground, bulk storage for bikes and other larger objects, computer room, and laundry rooms in each building. All apartments will include energy efficient ranges and ovens, refrigerators and lighting. No superintendent units, commercial spaces, or community service facilities are proposed. Additionally, there are no regulatory restrictions on these vacant buildings.

**Maps, photographs, and other documentation of project location and description:**

[Niagara County Map 1128 South Ave.pdf](#)

[Niagara County Info 1128 South Ave.pdf](#)

**Level of Environmental Review Determination:**

**Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:**

**Determination:**

	This categorically excluded activity/project converts to <b>EXEMPT</b> per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; <b>Funds may be committed and drawn down after certification of this part</b> for this (now) EXEMPT project; OR
✓	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, <b>publish NOI/RROF and obtain "Authority to Use Grant Funds"</b> (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

**Approval Documents:**

[Signature Page True Bethel Commons.pdf](#)

**7015.15 certified by Certifying Officer  
on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name
NY404VO0219	Public Housing	Housing Choice Voucher Program

**Estimated Total HUD Funded,  
Assisted or Insured Amount:** \$3,168,480.00

**Estimated Total Project Cost:** \$14,746,636.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no CBRS units in or within the City of Niagara Falls. This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
<b>Flood Insurance</b> Flood Disaster Protection Act of	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated

1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]		Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The property is within vicinity of Natural Communities and Rare Plants and Animals by NYS (as per the attached DEC Enviro Resource Map). The Natural Community includes the Niagara Gorge, which contains calcareous cliff community and calcareous talus slope woodland, but is located approximately 1750' west of the property. The species of concern include Elk Sedge (a sedge recently confirmed and last documented in 2009), Forest Blue Grass (a grass historically confirmed and last documented in 1988), Smaller Fringed Gentian (a flowering plant recently confirmed and last documented in 2009), and Smooth Cliffbrake (a fern recently confirmed and last documented in 2011). These four species are state registered either endangered or threatened plants, but which have not been documented for over ten years, and are unlikely to be

		present within the property given its current developed use. As such, it is unlikely that these plant species of concern would be present on the property; and therefore, the project is expected to have No Effect on these species. Furthermore, according to IPaC, there are no listed endangered species or critical habitats located on or in vicinity of the Site. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are three (3) current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements.
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A HUD Noise Assessment was prepared for the subject property by Great Lakes Environmental & Safety Consultants Inc. in December 2019. According to this report, the results of HUD's online Noise Level Calculator indicate a Day/Noise Noise Level (DNL) of 63.8 decibels (dB), indicating that the noise environment at

		the subject property is acceptable (less than 65 dB DNL). Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no sole source aquifers in or within vicinity of the City of Niagara Falls. The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no wetlands on or within vicinity of the property. The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no designated wild or scenic river segments in or within vicinity of the City of Niagara Falls. This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]:**

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Contamination and Toxic Substances	Approximately 56.28 total pounds of contaminated soil was excavated and properly disposed off-site at the Tonawanda landfill. Disposal receipts are attached.	N/A	- All ASTs will be removed from the project site - Remediation of asbestos, lead-based paint, mold and universal wastes will be obtained with guidance from Hazard Management Health & Safety Work Plan developed by AMD Environmental - Removal of all lead contaminated soil from the playground area was excavated and disposed of off-site	

**Project Mitigation Plan**

The Property Owner will retain environmental professionals to complete the mitigation measures and provide confirmatory reports.

**Supporting documentation on completed measures**

**APPENDIX A: Related Federal Laws and Authorities****Airport Hazards**

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

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

✓ No

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

Yes

**Screen Summary****Compliance Determination**

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

**Supporting documentation**

[Airport Map for Niagara Falls 1128 South Ave.pdf](#)

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

Yes

✓ No



**Coastal Barrier Resources**

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

**1. Is the project located in a CBRS Unit?**

☒ No

Document and upload map and documentation below.

Yes

**Screen Summary****Compliance Determination**

There are no CBRS units in or within the City of Niagara Falls. This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

**Supporting documentation**

[Coastal Barriers Niagara Falls.pdf](#)

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

Yes

☒ No

**Flood Insurance**

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

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

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

✓ Yes

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

[FIRM Map 1128 South Ave.pdf](#)

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

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

✓ No

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

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

✓ No

**Screen Summary****Compliance Determination**

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

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

Yes

✓ No

**Air Quality**

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

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

✓ Yes

No

**Air Quality Attainment Status of Project's County or Air Quality Management District**

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

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

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

**4. Determine the estimated emissions levels of your project. Will your project exceed any of the de minimis or threshold emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?**

No, the project will not exceed *de minimis* or threshold emissions levels or screening levels.

Yes, the project exceeds *de minimis* emissions levels or screening levels.

**Screen Summary****Compliance Determination**

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

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

Yes

✓ No

**Coastal Zone Management Act**

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

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

☒ No

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

**Screen Summary****Compliance Determination**

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

**Supporting documentation**

[Coastal Zone Boundaries Map for Niagara Falls 1128 South Ave.pdf](#)

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

Yes

☒ No

**Contamination and Toxic Substances**

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

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)  
ASTM Phase II ESA  
Remediation or clean-up plan  
ASTM Vapor Encroachment Screening  
None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

☒ No

Yes

**Screen Summary****Compliance Determination****Supporting documentation**

[Soil Testing and Characterization \(BE3 Corp 08-13-20\).pdf](#)  
[ACM LBP Mold Report- Garage Building \(AMD 06-09-20\).pdf](#)  
[ACM LBP Mold Report - 1960s Addition \(Sienna- 9-2018\).pdf](#)  
[Lead Soil Sampling Report \(AMD 06-09-20\).pdf](#)  
[AST Tank Assessment \(BE3 Corp 06-22-20\).pdf](#)  
[True Bethel Waste Disposal Manifests.pdf](#)

[RCRA Registration Page.pdf](#)

[Phase I - TBC 3-31-19.pdf](#)

[arc GIS map with sample location.pdf](#)

[ACM LBP Mold Report - Rectory \(Sienna- 9-2018\).pdf](#)

[ACM LBP Mold Report - Original School \(Sienna- 9-2018\).pdf](#)

[ACM LBP Mold Report - Chapel Bldg \(Sienna- 9-2018\).pdf](#)

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

✓ Yes

No



## Endangered Species

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

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

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

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

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

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

Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

**Screen Summary****Compliance Determination**

The property is within vicinity of Natural Communities and Rare Plants and Animals by NYS (as per the attached DEC Enviro Resource Map). The Natural Community includes the Niagara Gorge, which contains calcareous cliff community and calcareous talus slope woodland, but is located approximately 1750' west of the property. The species of concern include Elk Sedge (a sedge recently confirmed and last documented in 2009), Forest Blue Grass (a grass historically confirmed and last documented in 1988), Smaller Fringed Gentian (a flowering plant recently confirmed and last documented in 2009), and Smooth Cliffbrake (a fern recently confirmed and last documented in 2011). These four species are state registered either endangered or threatened plants, but which have not been documented for over ten years, and are unlikely to be present within the property given its current developed use. As such, it is unlikely that these plant species of concern would be present on the property; and therefore, the project is expected to have No Effect on these species. Furthermore, according to IPaC, there are no listed endangered species or critical habitats located on or in vicinity of the Site. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.

**Supporting documentation**[Nature Explorer 1128 South Ave.pdf](#)[IPaC List 1128 South Ave.pdf](#)[DEC Enviro Resource Map 1128 South Ave.pdf](#)[DEC Enviro Resource Info 1128 South Ave.pdf](#)**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Explosive and Flammable Hazards**

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

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

☒ No

☐ Yes

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

☐ No

☒ Yes

**3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:**

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

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

☐ No

☒ Yes

**4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?**

☒ Yes

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

No

**Screen Summary**

**Compliance Determination**

There are three (3) current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements.

**Supporting documentation**

[Explosive or Flammable Facilities with 100 Gallon or Greater Capacity Near Site.pdf](#)  
[Explosive or Flammable Facilities Map.pdf](#)

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

Yes

☒ No

**Farmlands Protection**

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

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

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

There are no agricultural lands within the City of Niagara Falls.

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

**Screen Summary****Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

**Supporting documentation**

[Agricultural Districts Map.pdf](#)

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

Yes

✓ No

**Floodplain Management**

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

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

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

✓ None of the above

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

[FIRM Map 1128 South Ave.pdf](#)

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

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

✓ No

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

Yes

**Screen Summary****Compliance Determination**

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

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

Yes

✓ No

## Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

### Threshold

#### Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

### Step 1 – Initiate Consultation

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

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Advisory Council on Historic Preservation Completed
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)



- |                             |           |
|-----------------------------|-----------|
| ✓ Seneca Nation of Indians  | Completed |
| ✓ Seneca-Cayuga Nation      | Completed |
| ✓ Tonawanda Band of Senecas | Completed |
| ✓ Tuscarora Nation          | Completed |

#### Other Consulting Parties

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

LaBella Consultants had previously selected the consulting parties as part of their Partner Worksheet in April 2022.

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

**Was the Section 106 Lender Delegation Memo used for Section 106 consultation?**

Yes

No

**Step 2 – Identify and Evaluate Historic Properties**

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

1128 South Ave, Niagara Falls, NY 14305 SBL 144.55-1-87.2 Formerly  
1112 South Ave and 1113 & 1117 Cleveland Ave (SBL Nos. 144.55-1-87,  
144.55-1-4, 144.55-1-5)

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

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

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
Sacred Heart Convent	Listed	Yes	✓ Not Sensitive

Sacred Heart Rectory	Listed	Yes	✓ Not Sensitive
Sacred Heart School	Listed	Yes	✓ Not Sensitive

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

✓ Yes

Document and upload surveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

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

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

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

No Historic Properties Affected

✓ No Adverse Effect

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

**Document reason for finding:**

Part 2 Conditioned Approval obtained for proposed work dated May 17, 2021.

**Does the No Adverse Effect finding contain conditions?**

- Yes (check all that apply)
- ☒ No

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

Adverse Effect

**Screen Summary**

**Compliance Determination**

Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.

**Supporting documentation**

[Tuscarora Band of Seneca.pdf](#)  
[Tonawanda Band.pdf](#)  
[Seneca Cayuga Nation.pdf](#)  
[NRHP listing letter 12-11-19.pdf](#)  
[NPS Part 2 Conditioned Approval 2 3-24-21.pdf](#)  
[NPS HTC App Part II Approval 5-17-21.pdf](#)  
[SHPO No Arch Concern ltr 4-4-18.pdf](#)  
[NPS Part 2 Conditioned Approval 12-18-20.pdf](#)  
[NPS Part 1 Approval.pdf](#)  
[Conditional Approval Response\\_Executed\\_2021\\_04\\_19.pdf](#)

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

- Yes
- ☒ No



**Noise Abatement and Control**

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

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

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

✓ None of the above

**Screen Summary****Compliance Determination**

A HUD Noise Assessment was prepared for the subject property by Great Lakes Environmental & Safety Consultants Inc. in December 2019. According to this report, the results of HUD's online Noise Level Calculator indicate a Day/Noise Noise Level (DNL) of 63.8 decibels (dB), indicating that the noise environment at the subject property is acceptable (less than 65 dB DNL). Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

**Supporting documentation**

[GLE \(2019\) Noise Assessment.pdf](#)

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

Yes

✓ No

**Sole Source Aquifers**

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

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

Yes

✓ No

**2. Is the project located on a sole source aquifer (SSA)?**

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

< No

✓

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

Yes

**3. Does your region have a memorandum of understanding (MOU) or other working agreement with Environmental Protection Agency (EPA) for HUD projects impacting a sole source aquifer?**

Yes

No

**Screen Summary****Compliance Determination**

There are no sole source aquifers in or within vicinity of the City of Niagara Falls. The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

**Supporting documentation**

[Sole Source Aquifers Map.pdf](#)

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

Yes

✓ No



**Wetlands Protection**

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

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

No

✓ Yes

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

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

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

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

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

**Screen Summary****Compliance Determination**

There are no wetlands on or within vicinity of the property. The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.

**Supporting documentation**

[Wetlands Map 1128 South Ave.pdf](#)

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

Yes

✓ No

**Wild and Scenic Rivers Act**

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

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

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

**Screen Summary****Compliance Determination**

There are no designated wild or scenic river segments in or within vicinity of the City of Niagara Falls. This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

**Supporting documentation**

[Wild and Scenic Rivers Niagara Falls.pdf](#)

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

Yes

✓ No

**Environmental Justice**

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

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

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

Yes

✓ No

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

**Screen Summary****Compliance Determination**

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

**Supporting documentation**

Are formal compliance steps or mitigation required?

Yes

✓ No



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

**Environmental Review for Activity/Project that is  
Categorically Excluded Subject to Section 58.5  
Pursuant to 24 CFR 58.35(a)**

**Project Information**

**Project Name:** True-Bethel-Commons

**HEROS Number:** 900000010358095

**State / Local Identifier:**

**Project Location:** 1128 South Ave, Niagara Falls, NY 14305

**Additional Location Information:**

Irregular shaped parcel that has been amalgamated over the years, with frontage along South Ave to the south, 11th St to the west, Cleveland Ave to the north, and Lockport St to the southeast. The property consists of three buildings formerly used as the Sacred Heart School, rectory and convent, with associated parking areas. Surrounding properties include primarily residential and vacant parcels.

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The True Bethel Commons project is an affordable multi-family housing project that includes 39 units of family rentals in Niagara Falls, NY. The project site is located in Qualified Census Tract 206 and involves the adaptive reuse of the vacant, former Sacred Heart School, Rectory and Convent buildings. All 39 units are for households at or below 50% of AMI and consist of 28 x 1-bedroom; 9 x 2-bedroom; and 2 x 3-bedroom apartments in the three buildings. The project was designed to meet Enterprise Green Communities requirements. Building amenities include a community room with a kitchen area, playground, bulk storage for bikes and other larger objects, computer room, and laundry rooms in each building. All apartments will include energy efficient ranges and ovens, refrigerators and lighting. No superintendent units, commercial spaces, or community service facilities are proposed. Additionally, there are no regulatory restrictions on these vacant buildings.

**Level of Environment Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

**Funding Information**

Grant Number	HUD Program	Program Name
NY404VO0219	Public Housing	Housing Choice Voucher Program

**Estimated Total HUD Funded Amount:** \$3,168,480.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$14,746,636.00

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
Contamination and Toxic Substances	Approximately 56.28 total pounds of contaminated soil was excavated and properly disposed off-site at the Tonawanda landfill. Disposal receipts are attached.	N/A	- All ASTs will be removed from the project site - Remediation of asbestos, lead-based paint, mold and universal wastes will be obtained with guidance from Hazard Management Health & Safety Work Plan developed by AMD Environmental - Removal of all lead contaminated soil from the playground area was excavated and disposed of off-site

**Determination:**



<input type="checkbox"/>	This categorically excluded activity/project converts to <b>EXEMPT</b> per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; <b>Funds may be committed and drawn down after certification of this part</b> for this (now) EXEMPT project; OR
<input checked="" type="checkbox"/>	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, <b>publish NOI/RROF and obtain "Authority to Use Grant Funds"</b> (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
<input type="checkbox"/>	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature:  Date: 10/10/2023

Name / Title/ Organization: Edyta Chorostkowska / / NIAGARA FALLS

Responsible Entity Agency Official Signature:  Date: 10/10/23

Name/ Title: ANTHONY J. RESTAINO/CITY ADMIN

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