#### Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain; Notice of Finding of No Significant Impact; and Notice of Intent to Request Release of Funds

To: All interested Agencies [FEMA], Groups and Individuals

These notices shall satisfy separate but related procedural requirements for activities to be undertaken by the County of Charleston

## FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN:

This is to give notice that the Charleston County under part 58 has conducted an evaluation as required by **Executive Order 11988**, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the **Community Development Block Grant (CDBG)** under B-18-UC45-002 and B-19-UC-45-002. The proposed project is located along Dover Street in the City of North Charleston, Charleston County, South Carolina.

The City of North Charleston is proposing to install a sidewalk along the west side of Dover Street in North Charleston, Charleston County, South Carolina that is located to be within the 100-year floodplain, specifically flood zone AE. The proposed improvement is within one of the City's low – and moderate – income neighborhoods and would provide benefits such as safety, mobility, and a healthier community. The proposed improvement is further located within the South Carolina Department of Transportation right-of-way (SCDOT ROW) and currently consists of a mix of grassed yards, concrete and gravel driveways. The total acreage within the SCDOT ROW that could be affected is 0.21 acres; however, the total acreage that would be affected if the project is to commence is 0.11 acres.

**The City of North Charleston** has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

- 1. Locate the project outside the floodplain;
- 2. Alternative solution for the project purpose; and
- 3. No Action/not complete the proposed project.

**Alternative 1:** Locate the project outside the floodplain: The purpose of the project is to upgrade the existing SCDOT ROW with a sidewalk system for the community. The proposed improvement is located within the 100-year floodplain, flood zone AE. The floodplain extends over both sides of Dover Street. Relocating the proposed improvement outside of the 100-year floodplain but keeping it along Dover Street is not feasible.

**Alternative 2:** Alternative solution for project purpose: The purpose of the project is to improve a sidewalk system to provide a safer, more mobile, and healthier community for the residents and pedestrians. There are no alternative methods to improve this infrastructure.

**Alternative 3:** No action/not complete the proposed project: The third alternative is to not complete the project. Charleston County Community Development Department and the City of North Charleston are committed to installing new sidewalks to create livable, walkable, and safe communities for its low-to-moderate income citizens. No action would leave citizens without a safe way to walk along Dover Street. Dover Street is a city street with no path for pedestrians to travel.

Charleston County has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of

fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

#### REQUEST FOR RELEASE OF FUNDS:

On or about September 16, 2020, the County of Charleston will submit a request to HUD for release of CDBG funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), as amended to undertake a project known as North Charleston Sidewalk Installations for the purpose of providing safety, mobility, and a healthier community within North Charleston, Charleston County, South Carolina. The estimate for the overall project is \$330,000.00 with \$330,000.00 in CDBG funds and the remainder for the City of North Charleston. The sidewalks locations include the following: Read Street, Dover Street, Olivia Drive, Chestnut Street and Peacock Drive.

#### FINDING OF NO SIGNIFICANT IMPACT:

The County of Charleston 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 4045 Bridge View Drive, Suite C216, North Charleston, South Carolina 29405 and many be examined or copied weekdays 8:30 AM to 5 PM. The project can also be reviewed here: <a href="https://www.charleston.county.org/departments/community-development/">www.charleston.county.org/departments/community-development/</a>

#### **PUBLIC COMMENTS:**

Any individual, group, or agency may submit written comments on the ERR to the County of Charleston, Community Development Department at 4045 Bridge View Dr, Suite C216, North Charleston, South Carolina 29405 Attention: William Tuten, County Administrator, (RE: HUD Environmental Review), or by emailing <a href="mailto:aeskridge@charlestoncounty.org">aeskridge@charlestoncounty.org</a>, or by calling (843) 202-6960. All comments received by September 14, 2020 will be considered by the County of Charleston prior to authorizing submission of a request for release of funds.

#### **RELEASE OF FUNDS:**

The County of Charleston certifies to HUD that William Tuten, Certifying Officer in his capacity as County Administrator 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 County of Charleston to use Program funds.

#### **OBJECTIONS TO RELEASE OF FUNDS:**

HUD will accept objections to its release of funds and the County of Charleston 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 County of Charleston; (b) The County of Charleston 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 HUD; or (d) another Federal agency acting pursuant 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 via email in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Mr. Bradley Evatt, CPD Director, U.S. Department of Housing and Urban Development, Columbia Field Office, Community Planning and Development Division. Strom Thurmond Federal Building, 1835 Assembly Street, 13th Floor, Columbia, SC 29201-2480 at bradley.s.evatt@hud.gov. Potential objectors should contact Mr. Bradley S. Evatt, CPD Director in the Columbia Field Office via email to verify the actual last day of the objection period.

William Tuten, Charleston County Administrator

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

## **Project Information**

**Project Name:** NC – Sidewalks - PY2018 and PY 2019

Responsible Entity: Charleston County Community Development Department

Grant Recipient (if different than Responsible Entity): City of North Charleston

**State/Local Identifier**: B-18-UC-45-0002, B-19-UC-45-0002

**Preparer:** Anna Eskridge, Ph.D., Program Manager, Charleston County

Dawn Henry, Community Development Manager, City of North Charleston

Certifying Officer Name and Title: William Tuten, County Administrator

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

**Consultant** (if applicable):

**Direct Comments to:** 

#### **Project Location:**

- Read Street (east side of Read Street from the intersection of Remount Road)
- Dover Street (west side of Dover Street from the intersection with ST Simmons Drive to Appleton Avenue)
- Olivia Drive (north side of Olivia Drive from Smokey Street to Eileen Street)
- Chestnut Street (south side of Chestnut Street from Hottinger Avenue to Birch Street)
- Peacock Avenue (east side of Peacock Avenue from Martha Drive to Louise Drive)

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

The proposed project consists of construction of approximately 4,950 linear feet of 5' wide concrete sidewalk and limited grading for positive drainage. Depth of excavation for this project will not exceed 8 inches.

Construction will not disturb wetlands or critical areas. All sites are located within South Carolina Department of Transportation (SCDOT) or City rights-of-way (ROW)/easements. All locations are urban in nature and adjacent parcels zoned as single family residential. The project includes the installation of concrete sidewalk along one side of the designated roads.

#### **Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

To provide pedestrians safe paved walking paths a safe distance from motorist traffic for public safety and to improve infrastructure in the City of North Charleston communities. Installation of sidewalks to take place along streets in low-to-moderate income (LMI) communities.

## **Existing Conditions and Trends** [24 CFR 58.40(a)]:

Residential communities of Accabee, Glyn Terrace, Waylyn, Whipper Barony and Charleston Farms neighborhoods in the City of North Charleston.

## **Funding Information**

<b>Grant Number</b>	HUD Program	<b>Funding Amount</b>
B-18-UC-45-0002	CDBG	\$336,821
B-19-UC-45-0002		

#### **Estimated Total HUD Funded Amount:**

\$336.821

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

\$336,821

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE OI and 58.6	RDERS, AND R	REGULATIONS LISTED AT 24 CFR 50.4
Airport Hazards  24 CFR Part 51 Subpart D	Yes No	Project does not involve the sale or acquisition of an existing building or structure. Therefore, the activity is in compliance with 24 CFR Part 51 Subpart D. Also, none of the projects are located in airport hazard areas.
Coastal Barrier Resources  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No	Project is located outside the Coastal Barrier Resource area. Maps attached.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No	Projects are located in Zones X and with Dover located in AE according to FEMA Map Service Center. Activity does not include reconstruction or redevelopment. Because this project does not involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property, no flood insurance is required.  FEMA maps are attached.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No	Charleston County is in attainment with all National Ambient Air Quality Standards.
Coastal Zone Management  Coastal Zone Management Act, sections 307(c) & (d)	Yes No	DHEC OCRM concurs that the activity will have no coastal effects. Letter attached.
Contamination and Toxic Substances  24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No	According to EPA, there are no dumps, sanitary landfills, toxic or solid waste landfills within 3,000 ft. of the project sites. There are also no industrial sites disposing of chemicals or hazardous wastes, mine waste disposal areas, and/or other operations with hazardous waste on or adjacent to the project sites. There are no underground storage tanks nor is the site listed on an EPA Superfund National Priorities or CERCLA list or the SC equivalent list.  Brownsfield Summary attached.
Endangered Species  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No	Activity is covered under the Fish and Wildlife letter of no affect for installation of new sidewalks within city limits in right of ways with no impact to wetlands or waters. Letter attached. In addition, project information was provided to USFW staff (Thomas McCoy), and he e-mailed a response saying that the USFW has no objections to the project.
Explosive and Flammable Hazards  24 CFR Part 51 Subpart C	Yes No	Requirements related to "Explosive and Flammable Operations" are not applicable to sidewalks because the project does not involve a hazardous facility, new construction or rehabilitation/modernization that increases residential densities, converts a building from non-residential to residential or makes a vacant building habitable.
Farmlands Protection  Farmland Protection Policy Act of 1981, particularly sections	Yes No	According to US Census Urban map, project in a designated urban area so no farm lands are impacted. NRCS Soil Reports also attached

1504(b) and 1541; 7 CFR Part 658		
Floodplain Management  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No	Project sites are located in Zones X and AE.  Dover Street is the only project located in AE.  Charleston County is a participating community in the National Flood Program. Early Public Notice posted in the Post and Courier for public input. No comments received.  8-step process attached for Dover Street sidewalk located in AE Zone.
Historic Preservation  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No	No Historic Properties Affected. Property is not listed on the SC Archives and History website.  SC Archives and History Map attached. Concurrent SHPO and Catawba letter attached. The Muscogee (Creek) Nation and Eastern Shawnee Tribe were contacted but no response received.
Noise Abatement and Control  Noise Control Act of 1972, as amended by the Quiet  Communities Act of 1978; 24  CFR Part 51 Subpart B	Yes No	Requirements related to "Noise Control and Abatement" don't apply to sidewalk projects because it is not a noise-sensitive project.
Sole Source Aquifers  Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No	There are no Sole Source Aquifers located in SC. Map attached.
Wetlands Protection  Executive Order 11990, particularly sections 2 and 5	Yes No	NWI maps do not show wetlands present; Army Corps determination is that no wetlands affected. Also, soil maps shows urban land, which indicates a high level of disturbance. Soil maps, photos, Army Corps determinations, and wetland maps attached.
Wild and Scenic Rivers  Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No	The only Wild and Scenic River in South Carolina is located in Oconee County. (NW SC) In addition, there are no other rivers that will be impacted by this activity.
ENVIRONMENTAL JUSTIC	E	
Environmental Justice  Executive Order 12898	Yes No	Project will not have an unfair impact on any minority or other protected group and the nature of the project does not trigger a concern

regarding environmental justice based on the activity was approved under the County's Five-Year Consolidated Plan, 2018-2019 and 2019-
2020 Annual Action Plan which was subject to citizen participation.

**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.** 

**Impact Codes**: Use an impact code from the following list to make the determination of impact for each factor.

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

Environmental Assessment Factor	Impact Code	Impact Evaluation	
LAND DEVELO	LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Project conforms to city's existing zoning provision for streets and sidewalks to provide for vehicular transportation and pedestrian walkways in populated areas. This is an upgrade to urban community infrastructure.	
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	Determination of impact to erosion will be considered in the design and engineering phase and soil suitability will be incorporated into the design and modified if required.	
Hazards and Nuisances including Site Safety and Noise	2	Hazards will be temporary during sidewalk construction having no permanent impact on the features, character and resources of the project area.	
Energy Consumption	2	No change to energy consumption.	

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
SOCIOECONOMIC		

Employment and Income Patterns	1	Improvement to community standards may attract higher income residents wishing to live in the neighborhood
Demographic Character Changes, Displacement	2	No impact anticipated with the installation of sidewalks in these communities. No residents will be displaced.

Environmental	Impact			
Assessment Factor	Code	Impact Evaluation		
COMMUNITY F.	COMMUNITY FACILITIES AND SERVICES			
Educational and		Residents will have better pedestrian access to nearby		
Cultural Facilities	1	facilities		
Commercial		Residents will have better pedestrian access to nearby		
Facilities	1	facilities		
Health Care and		Residents will have better pedestrian access to nearby		
Social Services	1	facilities		
~ 11.1.777				
Solid Waste		Hazards will be temporary during sidewalk construction if		
Disposal / Recycling	2	solid waste disposal/recycling pick-up is located in		
XX7 / XX7 /		construction area.		
Waste Water /	2	Hazards will be temporary during sidewalk construction if		
Sanitary Sewers	2	waste water/sanitary sewer is located in construction area.		
Water Cumply		Hozanda will be tomorous during sidewalls construction if		
Water Supply	2	Hazards will be temporary during sidewalk construction if water supplies are located in construction area.		
Public Safety -		Hazards will be temporary during sidewalk construction if		
Police, Fire and	2	emergency personnel must access areas near construction		
Emergency Medical		area.		
Parks, Open Space		Residents will have better pedestrian access to nearby		
and Recreation	1	facilities		
	•			
Transportation and	4	Project will allow more safe walkability to local		
Accessibility	1	transportation modes.		

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
NATURAL FEATU	RES	
Unique Natural	2	The project will not impact unique, natural features or water
Features,		resources. No unique features were observed within project
Water Resources		limits.
Vegetation, Wildlife		No critical habitat will be affected - map on file. Developed area, low intensity. Due to urbanization, wildlife typically found in this area will likely be unaffected.

Other Factors	2	No other factors were observed
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## **Additional Studies Performed:**

None

## Field Inspection (Date and completed by):

Pictures were taken by James Hull (Inspector, Public Works, City of North Charleston) on 6/24/20.

## List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

John D. Sylvest, Project Review Coordinator	Alison M. Post
State Historic Preservation Office	SCDHEC – Bureau of Land and Waste Management
SC Department of Archives & History	2600 Bull Street
8301 Parklane Road	Columbia, SC 29201
Columbia, SC 29223-4905	
	Carl W. Richardson, P.E., Permitting Liaison
Catawba Cultural Preservation Project	Environmental Quality Control Administration
1536 Tom Steven Road	SC Department of Health and Environmental Control
Rock Hill, SC 29730	2600 Bull Street
	Columbia, SC 29201
Jeannie Lewis, Project Manager	City of North Charleston Public Works
Coastal Zone Consistency	2500 City Hall Lane
SCDHEC-Ocean and Coastal Resource Management	North Charleston, SC 29406
1362 McMillan Avenue, Suite 400	
Charleston, SC 29405	
Thomas McCoy, Field Supervisor	Air Quality Standards and Assessment Section
Fish & Wildlife Service	SCDHEC – Bureau of Air Quality
176 Croghan Spur Road, Suite 200	2600 Bull Street
Charleston, SC 29407	Columbia, SC 29201
Director	Chelsea Fannin, Project Manager
Division of Water Quality	Department of the Army
SCDHEC	Charleston District, Corps of Engineers
2600 Bull Street	69A Hagood Avenue
Columbia, SC 29201-1708	Charleston, SC 29403
Muscogee (Creek) Nation	Eastern Shawnee Tribe of Oklahoma
Southern Regional Office	Highway 10 c Complex
Cultural Preservation	10080 S. Bluejacket Road
333 S. Washita	Wyandotte, OK 74370
Wetumka, OK 74883	

## **List of Permits Obtained:**

To be determined by the City of North Charleston.

**Public Outreach** [24 CFR 50.23 & 58.43]:

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain advertised in the Post and Courier on June 29, 2020. No comments received. A final Public Notice will be posted once the environmental assessment has been signed.

#### **Cumulative Impact Analysis** [24 CFR 58.32]:

No cumulative impacts are expected due to the installation of pedestrian sidewalk along and within South Carolina Department of Transportation (SCDOT) or City rights-of-way (ROW)/easements.

#### **Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]

The only practical alternative is a No Action alternative, which would mean the residents would not get the benefit of sidewalks in their neighborhood. As a result, the residents would have more difficult pedestrian access to City services (bus routes) and other essential locations than if the sidewalks were built. This would discourage people from living in this area of the City, thereby degrading the home values in this are compared to other areas in the City of North Charleston that do have sidewalks. A No Action alternative would not address the City of North Charleston's need for safe pedestrian travel ways and therefore the alternative was rejected.

## **No Action Alternative** [24 CFR 58.40(e)]:

The only practical alternative is a No Action alternative, which would mean the residents would not get the benefit of sidewalks in their neighborhood. As a result, the residents would have more difficult pedestrian access to City services (bus routes) and other essential locations than if the sidewalks were built. This would discourage people from living in this area of the City, thereby degrading the home values in this are compared to other areas in the City of North Charleston that do have sidewalks. A No Action alternative would not address the City of North Charleston's need for safe pedestrian travel ways and therefore the alternative was rejected.

#### **Summary of Findings and Conclusions:**

Project is expected to have no adverse impacts on the environmental factors considered in this review due to the location of the sidewalk within SCDOT or City ROW/easements.

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

Summarize below 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	
South Carolina Department of Archives & History	Contact office immediately if archaeological materials are encountered during construction. (803) 896-6129	
Cawtawba Indian Nation	Contact office immediately if Native American artifacts and/or human remains are located during ground disturbance. (803) 328-2427 ext. 226	

## Determination:

Finding of No Significant Impact [24 CFR 58.40(g)] The project will not result in a significant impact on the quality	
Finding of Significant Impact [24 CFR 58.40(g)(2); The project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significantly affect the quality of the human significant in the project may significant in the	
Preparer Signature: MUNHLUU	Date: 8   18   20
Name/Title/Organization: <u>Dawn Henry, Community Develor</u> Charleston	opment Manager, City of North
Certifying Officer Signature: Williams - Juit	Date: 8-/8-2020
Name/Title: William Tuten, Charleston County Administra	tor

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

