



**U.S. Department of Housing and Urban  
Development**

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Washington, DC 20410  
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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)**

**This is a suggested format that may be used by Responsible Entities to document completion of a  
Categorically Excluded Subject to Section 58.5 environmental review.**

### **Project Information**

**Project Name:** Merced County Courthouse Museum Facility Repairs

**Responsible Entity:** County of Merced

**Grant Recipient** (if different than Responsible Entity): N/A

**State/Local Identifier:** Merced County, California

**Preparer:** Tiffany Ho, Deputy Director of Planning

**Certifying Officer Name and Title:** Tiffany Ho, Deputy Director of Planning

**Grant Recipient** (if different than Responsible Entity): N/A

**Consultant** (if applicable): N/A

**Direct Comments to:** Tiffany Ho, Deputy Director of Planning  
County of Merced  
Community & Economic Development Department  
2222 "M" Street  
Merced, CA 95340

**Project Location:** West 21st and N Street, Merced, CA, on the property identified as Assessor's  
Parcel Number 030-260-006.

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

Cleaning, rust removal, power washing, paint removal, priming, painting in multiple colors & gloss levels, metal replication & fabrication, plated finishes, historic wood repair, replicated wood items, wood finishes, patch & repair of wood items, exterior finish carpentry, exterior sheet metal flashing & trim of the Merced County Courthouse Museum in accordance with the procedures and methods contained in the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties. The Merced County Courthouse Museum is registered with the National Register of Historic Places and California Register of Historical Resources, and listed as a Point of Historical Interest by the State Historical Resources Commission.

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:       (3)(iii)      

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**Funding Information**

| <b>Grant Number</b> | <b>HUD Program</b>                    | <b>Funding Amount</b> |
|---------------------|---------------------------------------|-----------------------|
| B-22-CP-CA-0057     | Community Project Funding (CPF) Grant | \$3,050,000           |
|                     |                                       |                       |

**Estimated Total HUD Funded Amount:** \$2,000,000

Local Match- \$1,050,000

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \$3,050,000

**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.

| <b>Compliance Factors:</b><br>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6 | Are formal compliance steps or mitigation required?                       | Compliance determinations  |
|--|---|--|
| <b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>                        |   |  |
| <b>Airport Hazards</b><br><br>24 CFR Part 51 Subpart D   | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project site is not within 2,500 feet of a civilian airport or 15,000 feet of a military airport. The nearest airport is the Merced Municipal Airport and Castle Airport which are approximately 1.5 miles southwest and 5 miles northwest of the project site, respectively.<br><br>Source: Merced County Airport Land Use Compatibility Plan (June 21, 2012) |

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| <p><b>Coastal Barrier Resources</b></p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>          | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project is not located in a coastal barrier resource area.</p> <p>Source: USFWS, Coastal Barrier Resources System Maps</p>  |
| <p><b>Flood Insurance</b></p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project involves the repair and rehabilitation of existing non-residential buildings and structures located in an area designated Flood Zone AO (Depth 1 foot). The proposed work is not a critical action. The County of Merced is participating in the National Flood Insurance Program.</p> <p>Source: FIRM 06047C0440G, FEMA Community Status Book Report</p>   |
| <p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b></p>   |   |  |
| <p><b>Clean Air</b></p> <p>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>  | <p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> | <p>The project does not involve acquisition of undeveloped land, a change in land use, major rehabilitation that would cost 75% or more of the property value, or new construction. The project does not meet thresholds for review by the San Joaquin Air Pollution Control District (District) for air quality impacts, as it is minor in nature; thus, the project conforms to the State Implementation Plan (SIP).</p> <p>Project activities could potentially result in a release of asbestos containing materials or lead based paint. However, the project would be required to comply with District Rule 4002 (Asbestos Requirements for Demolition and Renovations) which controls emissions of asbestos to the atmosphere during demolition and renovation activities in accordance with the US Environmental Protection Agency's (USEPA) asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) and establishes appropriate waste disposal procedures.</p> |

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|   |   | Source: San Joaquin Air Pollution Control District Current District Rules and Regulations  |
| <b>Coastal Zone Management</b><br><br>Coastal Zone Management Act, sections 307(c) & (d)  | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project is not located within a California Coastal Zone Management Program or any Coastal Barrier Resources areas.<br><br>Source: California Coastal Commission Coastal Zone Boundary Map  |
| <b>Contamination and Toxic Substances</b><br><br>24 CFR Part 50.3(i) & 58.5(i)(2)   | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project site is not located on-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property.<br><br>Source: EPA Superfund National Priorities, CERCLA List, California Department of Toxic Substances Control Cortese List, CalEnviroScreen 4.0 Cleanup Sites Map |
| <b>Endangered Species</b><br><br>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402                          | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project activity involves repair and rehabilitation of existing non-residential buildings and structures and thus would have no effect on any natural habitats or federally protected species. The project site is entirely developed and therefore does not support these species' habitat requirements.  |
| <b>Explosive and Flammable Hazards</b><br><br>24 CFR Part 51 Subpart C  | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project will not result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable. The project does not involve explosive or flammable materials or operations.  |
| <b>Farmlands Protection</b><br><br>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 | Yes    No<br><input type="checkbox"/> <input checked="" type="checkbox"/> | The project activity involves repair and rehabilitation of existing non-residential buildings and structures and thus would have no effect on any farmland. The project site and the surrounding area is entirely developed and would not convert or inadvertently lead the conversion of protected farmlands in the City and County of Merced.                                    |

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| <p><b>Floodplain Management</b></p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>                               | <p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p> | <p>The project involves repair and rehabilitation of existing non-residential buildings and structures located in an area designated Flood Zone AO (Depth 1 foot), or a 100-year floodplain.</p> <p>The project is exempt from 55.12(c) as it involves the repair and rehabilitation of existing nonresidential buildings and structures in a community that is in the Regular Program of the NFIP and in good standing . Additionally, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and the footprint of the structure and paved areas is not significantly increased.</p> <p>Source: FIRM 06047C0440G</p>  |
| <p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p> | <p>Yes    No</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/></p> | <p>The project involves a historic property registered with the National Register of Historic Places and California Register of Historical Resources, and listed as a Point of Historical Interest by the State Historical Resources Commission. Section 106 Review was completed:</p> <ul style="list-style-type: none"> <li>• A CHRIS Inventory records search which concluded that further study for archaeological resources was not recommended if the project does not include ground disturbance (findings dated 5/15/2023)</li> <li>• The Native American Heritage Commission (NAHC) completed a Sacred Lands File search and results were negative. In absence of records of cultural resources, the NAHC recommended contacting a list of Native Tribes with knowledge of cultural resources within the proposed area. The County initiated consultation with provided list of tribes and no response has been received.</li> </ul> |

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|   |   | <ul style="list-style-type: none"> <li>A Section 106 Initiation of Consultation Letter, including a request of Concurrence on Findings of No Historic Properties was sent to the State Historic Preservation Officer. No response has been received.</li> </ul> <p>Source: National Register of Historic Places, California Register of Historical Resources</p> |
| <p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p> | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project would not create new noise sources and would have no noise impacts under HUD guidelines.</p>  |
| <p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>                  | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project is not served by a US EPA designated sole-source aquifer, is not located within a sole source aquifer watershed, and would not affect a sole-source aquifer subject to the HUD EPA MOU.</p> <p>Source: EPA regional Sole Source Aquifers (SSA) maps</p>   |
| <p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>   | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project activity involves repair and rehabilitation of existing non-residential buildings and structures, does not involve expansion of the existing footprint of the project site, and would be excluded from wetlands review pursuant to 55.12(a)(4).</p> <p>Source: FIRM 06047C0440G</p>   |
| <p><b>Wild and Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>                                     | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project is not within proximity of a National Wild and Scenic Rivers Systems river.</p> <p>Source: National Wild and Scenic Rivers System, Nationwide Rivers Inventory</p>  |
| <b>ENVIRONMENTAL JUSTICE</b>  |   |  |
| <p><b>Environmental Justice</b></p> <p>Executive Order 12898</p>  | <p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> | <p>The project activity involves repair and rehabilitation of existing non-residential buildings and structures. The project would not result in disproportionately adverse</p>  |

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|  |  | environmental effects on minority or low-income populations as the project does not involve displacement of residents. |
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**Field Inspection** (Date and completed by):

**Summary of Findings and Conclusions:**

**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  |
|---|---|
| <b>Clean Air</b><br><br>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 Executive Order 11988, particularly section 2(a); 24 CFR Part 55 | Compliance with San Joaquin Air Pollution Control District Rule 4002 (Asbestos Requirements for Demolition and Renovations) which controls emissions of asbestos to the atmosphere during demolition and renovation activities in accordance with the US Environmental Protection Agency's (USEPA) asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) and establishes appropriate waste disposal procedures. |

**Determination:**

- This categorically excluded activity/project converts to Exempt, per 58.34(a)(12) because there are no circumstances which require compliance with any of the federal laws and authorities cited at §58.5. **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt because there are circumstances which require compliance with one or more federal laws and authorities cited at §58.5. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer/Responsible Entity Agency Official Signature:



Date: 07/28/2023

Name/Title/Organization: Tiffany Ho, Deputy Director of Planning  
County of Merced Community & Economic Development Department

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).