

## **NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

January 26, 2023  
City of Jackson, Mississippi  
P. O. Box 17  
Jackson, MS 39205-0017  
601-960-2155

On or about February 13, 2023, the City of Jackson will submit a request to the U. S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, is described in section 101(c) of the Act (42 U.S.C. 5301(c) to undertake a project known as the Planetarium Renovation for the purpose of updating non-code compliant restrooms and modernization of the two elevators at this facility to make them ADA accessible and up to code, with estimated funding in the amount of \$499,727.17 for the property Russell C. Planetarium located at 201 East Pascagoula Street, Jackson, Mississippi.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at <https://www.onecpd.info/environmental-review//environmental-review-records>, and on the City's website at [www.jacksonms.gov](http://www.jacksonms.gov).

### **PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the Office of Housing and Community Development via email at [ohcd@jacksonms.gov](mailto:ohcd@jacksonms.gov). All comments received by February 10, 2023, no later than 5:00 p.m. will be considered by the City of Jackson prior to authorizing submission of a request for release of funds.

### **ENVIRONMENTAL CERTIFICATION**

**The** City of Jackson certifies to U.S. Department of Housing and Community Development that Chokwe A. Lumumba, in his capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Jackson to use Program funds.

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

HUD will accept objections to its release of funds and the City of Jackson's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Jackson; (b) the City of Jackson 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 to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to U.S. Department of Housing and Urban Development, at 100 West Capitol Street, Room 910, Jackson, Mississippi 39269-1096. Potential objectors should contact HUD to verify the actual last day of the objection period.

City of Jackson  
Mayor, Chokwe A. Lumumba



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:** Planetarium-Renovation---Elevator-and-Restroom-Assembly

**HEROS Number:** 900000010264160

**State / Local Identifier:**

**Project Location:** 201 E Pascagoula St, Jackson, MS 39201

**Additional Location Information:**

See attachment(s). The site of the proposed renovation is located in downtown Jackson, MS, in close proximity to the city's central business district. It sits between two other often used entertainment centers (the Thalia Mara Performing Arts Center and the Mississippi Museum of Art). Entrance to the Planetarium is easily accessible via a low traffic city street which runs underneath and between the archway bearing the site's name.

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

The renovation of the Planetarium was scheduled to break ground at the end of 2021 or in early 2022. However, due to the onset of the Coronavirus Pandemic and resulting inability to complete required preliminary actions, the implementation of this project was indefinitely delayed. We estimate that the full renovation will take 18-24 months to complete. The project will include a new atrium to connect the Planetarium and Arts Center, new exhibitions and revamped theatre on the third floor, a main restroom suite and education center on the second floor, and new administration office, welcome desk, and gift shop on the first floor. This portion of the project is a proposed relocation of non-code compliant restrooms and modernization of two elevators at the Russell C. Davis Planetarium. The work will include relocating the non-code-compliant restrooms to meet code/count requirements for the facility and modernize the two elevators of the facility (one of which is out of commission from structural concerns; both of which are 42 years old).

**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
2022-2023	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded Amount:** \$499,727.17

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$12,300,000.00

**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
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A	The community is participating in the National Flood Insurance Program. With flood insurance, the project is in compliance with flood insurance requirements. No mitigation plan or follow up is needed as proof of flood insurance is provided.
Air Quality	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The MS Department of Environmental Quality (MDEQ) was consulted (September/2022) and determined that the proposed project is	N/A	MDEQ has added the following stipulation action(s) required for compliance: "We believe

	not expected to adversely affect ambient air quality (October/2022). This determination is, however, contingent upon "any required air emissions permits from the (MDEQ) Quality Permit Board" are secured prior to commencing construction and "complies with all applicable asbestos and lead-based paint control regulations."		the activities associated with this project may be subject to the asbestos or lead-based paint control regulations. Prior to renovation activities, a thorough asbestos inspection must be performed in accordance with the requirements of 40 CFE61.145(a). If asbestos containing material is found during the inspection, you would then be required to submit a notification form to us at least ten days prior to the renovation activities."
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**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
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<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: Loretta R. Johnson Date: 1/26/2023

Name / Title/ Organization: Loretta Johnson / / JACKSON

Responsible Entity Agency Official Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/ Title: \_\_\_\_\_

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).



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Development  
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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:** Planetarium-Renovation---Elevator-and-Restroom-Assembly

**HEROS Number:** 900000010264160

**Responsible Entity (RE):** JACKSON, PO Box 17 Jackson MS, 39205

**State / Local Identifier:**

**RE Preparer:** Loretta Johnson

**Certifying Officer** Chokwe Lumumba  
**r:**

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

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** 201 E Pascagoula St, Jackson, MS 39201

**Additional Location Information:**

See attachment(s). The site of the proposed renovation is located in downtown Jackson, MS, in close proximity to the city's central business district. It sits between two other often used entertainment centers (the Thalia Mara Performing Arts Center and the Mississippi Museum of Art). Entrance to the Planetarium is easily accessible via a low traffic city street which runs underneath and between the archway bearing the site's name.

**Direct Comments to:**

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

The renovation of the Planetarium was scheduled to break ground at the end of 2021 or in early 2022. However, due to the onset of the Coronavirus Pandemic and resulting inability to complete required preliminary actions, the implementation of this project was indefinitely delayed. We estimate that the full renovation will take 18-24 months to complete. The project will include a new atrium to connect the Planetarium and Arts Center, new exhibitions and revamped theatre on the third floor, a main restroom suite and education center on the second floor, and new administration office, welcome desk, and gift shop on the first floor. This portion of the project is a proposed relocation of non-code compliant restrooms and modernization of two elevators at the Russell C. Davis Planetarium. The work will include relocating the non-code-compliant restrooms to meet code/count requirements for the facility and modernize the two elevators of the facility (one of which is out of commission from structural concerns; both of which are 42 years old).

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

[Site Location Validation.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:**



Planetarium-Renovation---  
Elevator-and-Restroom-  
Assembly

Jackson, MS

900000010264160

**7015.15 certified by Certifying Officer  
on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name
2022-2023	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded,  
Assisted or Insured Amount:** \$499,727.17

**Estimated Total Project Cost:** \$12,300,000.00

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

<b>Compliance Factors:</b> 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. (See attachment)
<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	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. (See attachment)

<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The MS Department of Environmental Quality (MDEQ) was consulted (September/2022) and determined that the proposed project is not expected to adversely affect ambient air quality (October/2022). This determination is, however, contingent upon "any required air emissions permits from the (MDEQ) Quality Permit Board" are secured prior to commencing construction and "complies with all applicable asbestos and lead-based paint control regulations." MDEQ has added the following stipulation action(s) required for compliance: (See attached Impact Review) "We believe the activities associated with this project may be subject to the asbestos or lead-based paint control regulations. Prior to renovation activities, a thorough asbestos inspection must be performed in accordance with the requirements of 40 CFE61.145(a). If asbestos containing material is found during the inspection, you would then be required to submit a notification form to us at least ten days prior to the renovation activities." (See attachment)
<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. The proposed

		renovation site is located more than 260 miles away from any coastal management zone that would be affected. (See attachments)
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. 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 were not found. The project is in compliance with contamination and toxic substances requirements. MDEQ was contacted on 11/9/22, and a public records request was submitted, resulting in a referral and subsequent inquiry to U.S. Environmental Protection Agency (EPA) and MS Department of Agriculture and Commerce (MDAC) for further guidance. EPA/NEPAssist tools were utilized to review reports of properties identified as hazardous waste generators and/or brownfields. An environmental scientist in the Brownfields Section of the US (Region 4) EPA was consulted, and it has been determined that there is no known or documented contamination at any of the sites identified as being a brownfield within regulation proximity of the proposed project site. (See attachments)
<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	This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The MS Fish and Wildlife Service has determined that certain types of activities within Hinds County, i.e., the proposed project will have no effect on federally listed species protected under the Endangered Species Act (87 Stat.884, as

		amended; 16 U.S.C 1532 et seq.). (See attachment)
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This proposed HUD-assisted project itself is not 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). This proposed project does not include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion. It is the renovation of bathrooms and elevators within an existing public commercial building to bring those facilities ADA accessible and up to code. As such, according to 24 CFR Part 51 Subpart C and, based on the project description, the project includes no activities that would require further evaluation under this section. 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. The site for the proposed renovation project is located within an extremely dense urban designed locale that is inconsistent with agricultural use. As such, the area is non-agricultural and would not be subject to agricultural use. (See attachment)
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The following exception applies, so the project is in compliance with Executive Order 11988: 55.12(c)(10), special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities. The proposed project is designed to

		renovate and rehabilitate existing bathrooms and elevators in the facility to make them ADA compliant and more accessible to elderly persons and those with disabilities. Although located within a floodplain, the scope of work includes interior renovations only; therefore, no direct or indirect impacts to the floodplain are anticipated as a result of this project. (See attachment)
<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 the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106. The Mississippi Department of Archives and History was consulted and has made the determination that the project's activities will not increase or change the footprint of the restrooms or elevators and will have no adverse effect on the resource. (See attachment)
<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	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. Although the proposed project is less than 1000 feet away from a major roadway, less than 3000 feet away from a railroad, and less than 15 miles from a military and commercial airport, the project does not involve any activities that impact residential property, or are part of a research demonstration project or interstate land sale registration: nor does it involve emergency assistance under disaster assistance provisions provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that substantially restores the facility to a pre-disaster state. (See attached maps)

<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	Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements. The distance of the project location from the designated sole source aquifer in EPA Region IV, is too great for the proposed renovation to have an adverse impact on its functionality. (See attachment)
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. There will be no activities performed that would impact any wetlands within one mile of the proposed project site. The NEPAassist tool was utilized to identify potential wetlands within a one mile radius of the proposed renovation (see map attached). Mapping tool of the U.S. Fish and Wildlife Services (National wetlands Inventory) indicates a riverine wetland in close proximity to the project site (0.12 mi); however, there will be no ground disturbance of the area as defined under E.O' 11990's definition of the term "new construction." No mitigation is required. (See attachment)
<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	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	U.S. Environmental Protection Agency (EPA) Environmental Justice Report and mapping tool does indicate that there is a low-income and/or minority community in near proximity of the

		proposed project. However, there were no adverse environmental impacts identified in the project's environmental review. The project is in compliance with Executive Order 12898.
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**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
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A	The community is participating in the National Flood Insurance Program. With flood insurance, the project is in compliance with flood insurance requirements. No mitigation plan or follow up is needed as proof of flood insurance is provided.	
Air Quality	Based on the project description, this project includes	N/A	MDEQ has added the	

	<p>no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The MS Department of Environmental Quality (MDEQ) was consulted (September/2022) and determined that the proposed project is not expected to adversely affect ambient air quality (October/2022). This determination is, however, contingent upon "any required air emissions permits from the (MDEQ) Quality Permit Board" are secured prior to commencing construction and "complies with all applicable asbestos and lead-based paint control regulations."</p>		<p>following stipulation action(s) required for compliance: "We believe the activities associated with this project may be subject to the asbestos or lead-based paint control regulations. Prior to renovation activities, a thorough asbestos inspection must be performed in accordance with the requirements of 40 CFE61.145(a). If asbestos containing material is found during the inspection, you would then be required to submit a notification form to us at least ten days prior to the renovation activities."</p>	
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Planetarium-Renovation---  
Elevator-and-Restroom-  
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Jackson, MS

900000010264160

**Project Mitigation Plan**

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[MDEQ Air Quality Impact Review \(1\).pdf](#)  
[Updated Flood Insurance\(1\).pdf](#)

**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. (See attachment)

#### Supporting documentation

[Airport Hazards Maps Jackson.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

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. (See attachment)

#### Supporting documentation

[Coastal Barriers Map.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:**

[Flood Zone FIRMette.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

✓ Yes

**3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?**

- ✓ Yes, the community is participating in the National Flood Insurance Program.

Based on the response, the review is in compliance with this section. Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

Document and upload a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance below.

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

No. The community is not participating, or its participation has been suspended.

**Screen Summary**

**Compliance Determination**

**Supporting documentation**

[Updated Flood Insurance.pdf](#)  
[Flood Insurance Coverage.pdf](#)

**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

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

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act. The MS Department of Environmental Quality (MDEQ) was consulted (September/2022) and determined that the proposed project is not expected to adversely affect ambient air quality (October/2022). This determination is, however, contingent upon "any required air emissions permits from the (MDEQ) Quality Permit Board" are secured prior to commencing construction and "complies with all applicable asbestos and lead-based paint control regulations." MDEQ has added the following stipulation action(s) required for compliance: (See attached Impact Review) "We believe the activities associated with this project may be subject to the asbestos or lead-based paint control regulations. Prior to renovation activities, a thorough asbestos inspection must be performed in accordance with the requirements of 40 CFE61.145(a). If asbestos containing material is found during the inspection, you

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would then be required to submit a notification form to us at least ten days prior to the renovation activities." (See attachment)

**Supporting documentation**

[MDEQ Air Quality Impact Review.pdf](#)

**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. The proposed renovation site is located more than 260 miles away from any coastal management zone that would be affected. (See attachments)

##### **Supporting documentation**

[MS State Coastal Zone Boundaries.pdf](#)  
[Coastal Barriers Map\(1\).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

### Explain:

Hazardous waste generating and brownfield sites in the vicinity of the proposed project were identified and a request was made to Mississippi Department of Environmental Quality (MDEQ) on 11/9/2022, to confirm the active/inactive status of the entities, along with their potential to impact the health and safety of project occupants or conflict with the intended use of the property. MDEQ confirmed the active status of the hazardous waste generators, but was unable to provide detailed information re: the brownfield sites. EPA reports on the brownfield sites identified indicate that some sites were formerly hazardous waste areas; however, reports do not indicate level of current impact nor are NFA (for further action) letters included in the reports. Last known data on the sites identified are

attached.

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

Yes

#### **Screen Summary**

##### **Compliance Determination**

Site contamination was evaluated as follows: None of the above. 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 were not found. The project is in compliance with contamination and toxic substances requirements. MDEQ was contacted on 11/9/22, and a public records request was submitted, resulting in a referral and subsequent inquiry to U.S. Environmental Protection Agency (EPA) and MS Department of Agriculture and Commerce (MDAC) for further guidance. EPA/NEPAssist tools were utilized to review reports of properties identified as hazardous waste generators and/or brownfields. An environmental scientist in the Brownfields Section of the US (Region 4) EPA was consulted, and it has been determined that there is no known or documented contamination at any of the sites identified as being a brownfield within regulation proximity of the proposed project site. (See attachments)

##### **Supporting documentation**

[Status of Brownfields.pdf](#)  
[Brownfields Map.JPG](#)

##### **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.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

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

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.

### Screen Summary

#### **Compliance Determination**

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The MS Fish and Wildlife Service has determined that certain types of activities within

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Hinds County, i.e., the proposed project will have no effect on federally listed species protected under the Endangered Species Act (87 Stat.884, as amended; 16 U.S.C 1532 et seq.). (See attachment)

**Supporting documentation**

[Wildlife and Fisheries Clearance.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

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

☐ Yes

### Screen Summary

#### **Compliance Determination**

This proposed HUD-assisted project itself is not 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). This proposed project does not include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion. It is the renovation of bathrooms and elevators within an existing public commercial building to bring those facilities ADA accessible and up to code. As such, according to 24 CFR Part 51 Subpart C and, based on the project description, the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

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**Supporting documentation**

**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:

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. The site for the proposed renovation project is located within an extremely dense urban designed locale that is inconsistent with agricultural use. As such, the area is non-agricultural and would not be subject to agricultural use. (See attachment)

#### **Supporting documentation**

[Urban Area Statistics.pdf](#)

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

Yes

✓ No

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## 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

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

### Screen Summary

#### **Compliance Determination**

The following exception applies, so the project is in compliance with Executive Order 11988: 55.12(c)(10), special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities. The proposed project is designed to renovate and rehabilitate existing bathrooms and elevators in the facility to make them ADA compliant and more accessible to elderly persons and those with disabilities. Although located within a floodplain, the scope of work includes interior renovations only; therefore, no direct or indirect impacts to the floodplain are anticipated as a result of this project. (See attachment)

#### **Supporting documentation**

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[FIRMETTE Floodplain Map.pdf](#)

**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).

**Threshold (b). Document and upload the memo or explanation/justification of the other determination below:**

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

### Screen Summary

#### Compliance Determination

Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106. The Mississippi Department of Archives and History was consulted and has made the determination that the project's activities will not increase or change the footprint of the restrooms or elevators and will have no adverse effect on the resource. (See attachment)

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**Supporting documentation**

[MDAH Response.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**

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. Although the proposed project is less than 1000 feet away from a major roadway, less than 3000 feet away from a railroad, and less than 15 miles from a military and commercial airport, the project does not involve any activities that impact residential property, or are part of a research demonstration project or interstate land sale registration: nor does it involve emergency assistance under disaster assistance provisions provided to save lives, protect property, protect

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public health and safety, remove debris and wreckage, or assistance that substantially restores the facility to a pre-disaster state. (See attached maps)

**Supporting documentation**

[Planetarium Noise Level Proximity Maps.pdf](#)

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

Yes

✓ No

### Sole Source Aquifers

General requirements	Legislation	Regulation
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.	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

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

No

#### Screen Summary

##### **Compliance Determination**

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements. The distance of the project location from the designated sole source aquifer in EPA Region IV, is too great for the proposed renovation to have an adverse impact on its functionality. (See attachment)

##### **Supporting documentation**

[Sole Source Aquifer.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

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

Yes

### Screen Summary

#### **Compliance Determination**

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. There will be no activities performed that would impact any wetlands within one mile of the proposed project site. The NEPAAssist tool was utilized to identify potential wetlands within a one mile radius of the proposed renovation (see map attached). Mapping tool of the U.S. Fish and Wildlife Services (National wetlands Inventory) indicates a riverine wetland in close proximity to the project site (0.12 mi); however, there will be no ground disturbance of the area as defined under E.O' 11990's definition of the term "new construction." No mitigation is required. (See attachment)

#### **Supporting documentation**

[Wetland map.jpg](#)



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**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**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

##### **Supporting documentation**

[Black Creek Mississippi Wild Scenic River.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**

U.S. Environmental Protection Agency (EPA) Environmental Justice Report and mapping tool does indicate that there is a low-income and/or minority community in near proximity of the proposed project. However, there were no adverse environmental impacts identified in the project's environmental review. The project is in compliance with Executive Order 12898.

#### **Supporting documentation**

[ejscreen\\_report and map.pdf](#)

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

Yes

✓ No

