



November 7, 2025

Logan Eberly, Grants & Special Agreements Administrator
City of Foley
407 East Laurel Avenue
PO Box 1750
Foley, AL 36536

RE: **Proposal for NEPA Consulting Services**
Environmental Review Record for Phase 2, Lot 3
Thompson Proposal No. 25-4110-0130-A

Ms. Eberly,

The City of Foley is developing a community project to be located on Lot 3 of Phase 2 for the Foley Beach Express West Industrial Park. The proposed project consists of a business incubator that will be funded by the FY2024 Economic Development Initiative Community Project Funding Grant provided by HUD.

According to the grant agreement, HUD uses the process outlined in the FY2024 CPF Grant Guide to administer these grants. Accordingly, the City must complete an Environmental Review to meet the provisions of the National Environmental Policy Act (NEPA) and 24 CFR 58 *Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities*. Thompson is pleased to submit this proposal along with our proposed scope and fee and our request for authorization to proceed.

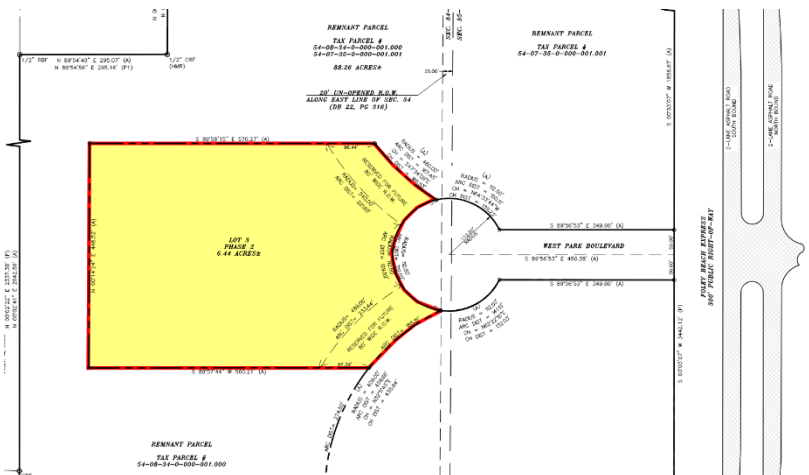


Figure 1 Proposed Plat for Phase 2 Lot 3

Project Understanding

According to 24 CFR 58 Subpart D, this project is not exempt or categorically excluded under 24 CFR §§ 58.34 and 58.35. Therefore, the City must prepare an Environmental Assessment in accordance with 24 CFR 58 Subpart E and determine that the project is not an action that will result in significant impact on the quality of the human environment or expand its environmental review to the level of an Environmental Impact Statement (EIS). The City must also maintain a written record of the environmental review and make it available for public review. The ERR shall contain all the environmental review documents, public notices and written determinations or environmental findings for the project.

Finally, we understand that the FY2024 Economic Development Initiative – Community Funding Grant Guide, along with its related forms, notices and checklists will be the guiding documents used in compiling the Environmental Review Record. As summarized above, the Level of Review required for this project is an Environmental Assessment. As summarized in HUD's Part 58 Environmental Assessment Form, there

are multiple statutory and regulatory requirements, in addition to multiple Environmental Assessment Factors that must be documented in the Environmental Assessment.

Proposed Scope of Work and Deliverables

The proposed scope of work presented below outlines the requirements needed to prepare an Environmental Assessment and complete an Environmental Review Record to be maintained and made publicly available by the City. Thompson will compile a complete ERR with the record of all studies, determinations, concurrences, and approvals required to satisfy HUD requirements. We will also conduct all the required field inspections needed to provide a summary of findings and conclusions required by the EA.

Task 1: Wetland Delineation, Threatened and Endangered Species Survey

Thompson Engineering will conduct wetland delineation and mapping within and adjacent to areas that border Lot 3 at Phase 2 of the Foley Beach Express West Industrial Park.

Our delineation will include the following elements:

- Review soil survey information
- Review available aerial photography
- Review available GIS information
- Identify hydrophytic vegetation
- Determine if hydric soils or wetland hydrology are present
- Field flag wetland areas with pink flagging embossed with black “wetland delineation”
- Record wetland locations utilizing GPS
- Provide shape files of the wetland areas

Thompson’s survey for species listed by the U.S. Fish & Wildlife Service as Threatened or Endangered will involve the following elements:

- Review Threatened/Endangered/Candidate species and critical habitat data from the USFWS IPaC Website
- Conduct a field survey for evidence of listed species or suitable habitat
- Mark locations of any listed species identified during field surveys and record locations with GPS
- Provide shape files of locations for any listed species observed
- Provide a report that summarizes the survey procedures, results, and any observations of listed species and suitable habitat, and includes figures and photograph log

Task 2: Cultural Resources Assessment

Thompson will conduct a Phase I Cultural Resources survey for the proposed project and will address areas within and adjacent to the construction limits. The survey will conform to both state and federal guidelines including Section 106 of the National Historic Preservation Act of 1966 and the United States Secretary of the Interior’s Advisory Council on Historic Preservation Regulations, 36 CFR Part 800. The proposed assessment will include a formal Phase I field survey with subsurface testing in non-wetlands, laboratory analysis of any recovered artifacts, a review and documentation of any standing historic structures (over 50 years old) in the project's area of potential effect (APE), report preparation and finalization, and curation of any project-related materials.

Upon completion of field work and laboratory analysis of any artifacts found during the survey, a Cultural Resources Assessment report will be prepared that will include descriptions of the project area (size, elevation, wetlands, soil associations, etc.), a literature and background research section, a summary of

the field methods employed (personnel, timeline, amount of shovel tests, shovel test descriptions, etc.), maps of the project area and field work locations, laboratory and curation methods, a results section (if any archaeological sites encountered), and a summary with recommendations. A draft report will be submitted to the City for review and comment; once any comments have been received, a finalized version will be submitted to the City and to reviewing agencies (Alabama Historical Commission and Corps of Engineers) for concurrence.

Should a large number of cultural resources be identified by the survey, the cost may need to be adjusted to reflect a greater level effort if avoidance or an alternative project location is not possible. Issues regarding the number of identified resources will be discussed immediately with the City.

Task 3: Phase 1 Environmental Site Assessment

The primary objective of the Phase I Environmental Site Assessment (ESA) is to provide a professional evaluation of recognized environmental conditions regarding the subject property, as may be related to the potential presence of hazardous substances and/or petroleum products, due to prior activities at the site and/or adjacent properties. The Phase I ESA is proposed in general conformance with the scope and limitations of ASTM E1527-21 "Standard Practice for Environmental Site Assessments; Phase I Environmental Site Assessment Process." Principal components of the Phase I ESA include records review, site reconnaissance, interviews, and a report.

The following clarifications to the scope of services are given:

Thompson will evaluate the past use of the property through review of the standard historical sources and to some extent from interviews with knowledgeable persons such as owners, occupants, and government officials. Thompson will only review chain of land title records if they are made available through the user, owner, or key site manager. The Phase I Environmental Site Assessment does not include procuring recorded land title records.

This assessment will be performed in accordance with generally accepted methods and practices of the profession. All conclusions will be based on available and reasonably ascertainable information and are not to be considered scientific certainties. The intent of this study is to identify environmental concerns which would be obvious to a professional exercising due diligence and is not intended to represent exhaustive research of all potential concerns which may exist.

This report does not purport to be representative of future site conditions or events. Situations or activities which may transpire after issuance of this report which result in adverse environmental impacts are not to be construed as relevant to this study.

During the site visit Thompson will visually observe the property and any structures on the property to the extent not obstructed by bodies of water, adjacent buildings, or other obstacles and in general conformance with ASTM Practice E 1527-21.

Thompson strives to conduct these services in a manner consistent with that level of care and skill ordinarily exercised by environmental professionals currently practicing in the same locality under similar circumstances and conditions. No other representation, express or implied, is intended.

In accordance with the referenced ASTM standard, the Phase I ESA is intended to address hazardous substances, within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and petroleum products.

There may be other environmental issues or conditions at a property that parties may wish to assess, which are outside the scope of the ASTM standard. Examples of such non-scope issues excluded by ASTM E 1527-21 are asbestos containing building materials, lead-based paint, the potential for radon gas, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, high voltage power lines, indoor air quality, and lead in drinking water. If any non-scope issues are desired to be included, this proposal can be modified upon your request.

As per the referenced ASTM standard, there are certain "user" (client) responsibilities associated with the performance of a Phase I ESA, outlined as follows:

- 1) *Checking Title Records for Environmental Liens.* The user should check, or engage a title company to check, reasonably ascertainable land title records for environmental liens recorded against the property.
Note: Thompson has not included title research within this proposal.
- 2) *Specialized Knowledge or Experience of the User.*
If the user is aware of any specialized knowledge or experience that is material to recognized environmental conditions in connection with the property, it is the user's responsibility to communicate any information based on such specialized knowledge or experience to Thompson. The user should do so before Thompson performs the site reconnaissance.
- 3) *Reason for Significantly Lower Purchase Price.*

In a transaction involving the purchase of a parcel of commercial real estate, if a user has actual knowledge that the purchase price of the property is significantly less than the purchase price of comparable properties, the user should try to identify an explanation for the lower price and to make a written record of such explanation. Among the factors to consider will be the information that becomes known to the user pursuant to the Phase I Environmental Site Assessment

Task 4: Section 404 Permitting (As Needed)

If a Section 404 permit is required for authorization to impact wetlands and/or water resources, Thompson will determine the type of permit that would be most appropriate for the project and prepare the permit application on behalf of the City of Foley. The application will include documentation of aquatic resources (wetlands and stream), species listed by the U.S. Fish and Wildlife Service as Threatened or Endangered, and cultural resources that occur within the project area. The application will also include a description of design alternatives considered for the project. Thompson will coordinate with cognizant regulatory agencies (USACE, ADEM) throughout the application review process, including providing responses to any comments or requests for additional information that may be submitted by those agencies or commenting entities.

Task 5: Environmental Assessment

Thompson will prepare an Environmental Assessment according to HUD's Part 58 Environmental Assessment Form. The EA will follow the Environmental Assessment Form by providing supporting documentation for all statutory and other requirements checklists, to include the following:

- Statutory Requirements Checklist
 - ✓ Airport Hazards
 - ✓ Coastal Barrier Resources
 - ✓ Flood Insurance
 - ✓ Clean Air

- ✓ Coastal Zone Management
 - ✓ Contamination and Toxic Substances
 - ✓ Endangered Species
 - ✓ Explosive and Flammable Hazards
 - ✓ Farmlands Protection
 - ✓ Floodplain Management
 - ✓ Historic Preservation
 - ✓ Noise Abatement and Control
 - ✓ Sole Source Aquifers
 - ✓ Wetlands Protection
 - ✓ Wild and Scenic Rivers
- Other Environmental Assessment Factors
- ✓ Land Development
 - ✓ Socioeconomic
 - ✓ Community Facilities and Services
 - ✓ Natural Features
 - ✓ Energy

These requirements are further outlined below. Additional field studies needed to satisfy each of these requirements are also summarized below. These include a **Cultural Resources Survey**, **Endangered Species Survey**, and an updated **Phase I Environmental Site Assessment**.

Thompson will perform all required Federal and State agency coordination (i.e. AHC, FWS, USCA, USACE, Tribal, airports, etc.) discussed above, respond to all correspondence, attend all meetings required by the City, and document such in the ERR document, where required.

Airport Hazards

It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields. The policy can be found at 24 CFR 51, Subpart D.

Thompson will determine if the project is located near a military or civilian airport, coordinate any required FAA clearances, and include maps and clearances in the EA document.

Coastal Barrier Resources

The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance.

Thompson will determine if the project is located within a CBRS unit and place all correspondence and concurrence in the ERR document.

Flood Insurance

Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) be covered by flood insurance under the National Flood Insurance Program (NFIP).

Thompson will determine if the proposed project is located in an area which would require insurance and include maps and determinations in the ERR document.

Clean Air

The Clean Air Act was implemented to remedy the damaging effects that bad air quality can have on human health and the environment.

Thompson will determine if the project is located in a nonattainment area, coordinate with Alabama Department of Environmental Management, and include any maps and determinations in the ERR document.

Coastal Zone Management

Projects that can affect the coastal zone must be carried out in a manner consistent with the state Coastal Zone Management Program (CZMP).

Thompson will determine if the project is located within the Coastal Zone Management Area and include any maps and determinations in the ERR document.

Contamination and Toxic Substance

HUD policy states that project sites that are funded by HUD must be free from hazardous materials, contamination, toxic chemicals and gases, and radioactive substances.

Thompson will perform a Phase I Environmental Site Assessment (ESA) of any sections of the project, where such isn't included under separate contract or already performed by other consultants, to determine whether any identified hazardous sites pose a threat to human or environmental health and require further investigation, and place all documentation in ERR document.

Endangered Species

The Endangered Species Act (ESA) of 1973, as amended, and its implementing regulations were designed to protect and recover species in danger of extinction and the ecosystems that they depend on.

Thompson will coordinate concurrence with the US Fish & Wildlife Service and place all correspondence and concurrence letters in the ERR document.

Explosive and Flammable Hazards

HUD requires that projects located near hazardous facilities which store, handle or process hazardous substances of a flammable or explosive nature include measures to reduce if not eliminate potential risk of injury in the event of an explosion to occupants or end-users of the project.

Thompson will perform a Phase I Environmental Site Assessment (ESA) of any sections of the project, where such isn't included under separate contract or already performed by other consultants, to determine the existence of any explosive, flammable, or otherwise hazardous facilities in or near the project site and place all documentation in the ERR document.

Farmlands Protection

The purpose of the Farmland Protection Policy Act (7 U.S.C. 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of Federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses.

Thompson will determine if the project results in the conversion (farmland to non-agricultural use) of prime, unique or state/locally important farmland, complete Form AD-1006, coordinate with the USDA, and place all correspondence and concurrence in the ERR document.

Floodplain Management

Executive Order (EO) 11988 requires that projects avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.

Thompson will determine if the project impacts regulated floodplains and coordinate any exemptions or public notices for inclusion in the ERR document.

Historic Preservation

All projects are required to complete a Section 106 review and coordination with the Alabama Historical Commission (AHC).

Thompson will complete a Phase I Cultural Resources Survey conforming to state and federal guidelines, to will include subsurface testing, laboratory analysis of any recovered artifacts, a review and documentation of any standing historic structures (over 50 years old) in the project's area of potential effect (APE), report preparation and finalization, and curation of any project-related materials. We will include AHC concurrence and all correspondence in the ERR document.

Section 106 also requires consultation with federally recognized Indian Tribes when a project may affect a historic property of religious and cultural significance to the tribe.

If required, Thompson will use the Tribal Directory Assessment Tool to determine which Tribes have interests in the project area and consult with the specified Tribes. If response letters are received, Thompson will document mitigation requirements that may be stipulated and place all correspondence and concurrence in the ERR document.

Noise Abatement and Control

HUD's noise standards may be found in 24 CFR Part 51, Subpart B and apply to "noise sensitive activities", including projects that generate noise (other than during construction).

Thompson will determine if the project involves any activities exempt from further studies; or, if further studies are necessary, include any maps and documentation in the ERR document.

Sole Source Aquifers

The Safe Drinking Water Act of 1974 requires the protection of drinking water systems that are the sole or principle drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

No sole source aquifers exist in Alabama. Thompson place a Sole Source Aquifer map in the ERR document.

Wetlands Protection

Executive Order (EO) 11990 requires that projects avoid adverse impacts to wetlands where practicable.

Thompson will determine if the project impacts regulated wetlands and will include any maps or determinations in the ERR document. Section 404 Permitting is not included in this proposal but is expected to be performed under a separate contract for the design and permitting of the project.

Wild and Scenic Rivers

The Wild and Scenic Rivers Act provides federal protection for the National Wild and Scenic Rivers System (NWSRS).

Thompson will determine if the project impacts any of the three (3) protected river types included in the NWSRS and include any required maps and concurrence letters in the ERR document.

Finally, Thompson will also assist the City with preparing required public notices. Notice to the public is required to be made after completing the EA. The required notices must adhere to the correct time frames and must be distributed to required agencies.

Appropriate Federal and State agencies must also be notified. Affidavits of publishing/posting are required for all Notices, public comments, and agency notifications will be documented in the Environmental Review Record.

Compensation and Schedule

Thompson will provide the professional services described above on either a Lump Sum or Time and Materials basis as summarized below and in accordance with our current Standard Fee Schedule. If unforeseen conditions warrant additional effort over that anticipated, performance of additional tasks would be contingent upon subsequent client approval.

Professional Services	Fee
Task 1: Wetland Delineation, Threatened and Endangered Species Survey	\$ 6,800.00^
Task 2: Cultural Resources Assessment	\$ 7,700.00*
Task 3: Phase 1 Environmental Site Assessment	\$ 4,500.00^
Task 4: Section 404 Permitting (As Needed)	\$ 6,000.00*
Task 5: Environmental Assessment	\$60,000.00^
Total Estimated Fee =	\$85,000.00

^ Lump Sum

* Time and Materials

NOTE: The fees for Public Notices do not include legal advertising fees to publish in local newspapers. Thompson assumes the City will place orders and pay for all public notices.

We look forward to working with you soon! If you have any questions or need additional clarification, please let us know.

Sincerely,

THOMPSON ENGINEERING, INC.



Lori Conway
Senior Engineer – Environmental



Charles Weber
Senior Project Manager/Team Leader – Baldwin