

**COMBINED NOTICE TO PUBLIC OF
FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT AND
INTENT TO REQUEST RELEASE OF FUNDS**

9/4/2020

Responsible Entity: Danna Widmar, Special Project Dir., Town of Cary, 316 N Academy St, Cary, NC 27513; Phone: 919-460-4915; TDD: 711 or 800-735-2962; <https://www.townofcary.org/connect-engage/town-departments-offices/town-manager-s-office>

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

This is to give notice that on or about **September 23**, or **nineteen (19) days** after posting of this notice (whichever is later), the Town of Cary, NC will submit a request to HUD for the release of Federal Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), as amended, for the **Town of Cary- FY19/20 CDBG Infrastructure- White Oak Foundation Affordable Housing Development Project**. The Town is requesting approx. \$235,410 for the Foundation to undertake the following activities: clear and redevelop property to construct a new 10,000 SqFt daycare center and 30 affordable townhomes for rent for low- and moderate- income families. Located at 1621 White Oak Church Road, Apex, NC the project site is approximately 10.45 acres, a portion of a larger tract of 14.25 ac. The site has been mostly wooded, dating back to 1938, with the exception of the single-family home constructed in 1978 that will be demolished. Rezoned in 2017 as a Planned Development District (PDD), adjacent property uses include the White Oak Elementary School, American Tobacco Trail preserved corridor, single-family homes, and vacant land. The future affordable housing development will also include: a common playground/picnic area; Preserved wetlands, drainage easements, landscape buffers, and tree protection area around the perimeter; extended power, water, sewer, utilities, sidewalks, stormwater management basins.

PURPOSE OF NOTICE

This notice is intended to meet two separate requirements under 24 CFR Parts 58: (1) To notify the public that the Town has determined that the Request for Release of Funds for the above named project will not have a significant impact on the environment, and (2) To notify the public that the Town is requesting the release of funds for the above named project.

FINDING OF NO SIGNIFICANT IMPACT

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the Town has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA- PL 91-190). The reasons for such decision not to prepare an EIS are as follows:

Appropriate permits and approvals will be obtained as needed for hazardous waste remediation, disposal, soil/erosion control, etc. The proposed project is compatible with current and future local zoning and land use. No adverse impact to ambient air quality is anticipated beyond temporary emissions during construction. No adverse impact to historic or cultural preservation or noise-sensitive uses is anticipated. Noise and air control devices will be used on construction equipment. Traffic may be redirected during construction. There are no EPA listed facilities within 1-mile report reporting any air, water, toxin, or hazard violations or concerns impacting the project. The immediate project area is grass, gravel, shrubs, and mixed trees, surrounded by moderate rural mixed development, and does not provide critical habitat for federal, state, or local threatened, endangered, or unique species. While the proposed project area contains soils types related important farmlands, but it is not currently farmed, and proposed/adjacent ground disturbance generally involves previously disturbed developed areas. The project is not located in a floodplain. Two small intermittent streams exist on the property, so a 50-ft buffer will be maintained, along with preserved culverts and stormwater management basins to avoid any adverse impact and any potential aquatic species. No dredge or fill is proposed. The project's location and features do not actively contribute to, support, or avert local tourism, social services, historic landmarks, or environmental justice issues. The project is designed to assist the local low income and disadvantaged population with access to affordable housing. An identified unused UST will be removed, with appropriate testing and remediation conducted. Any USTs or petroleum contaminants discovered will be reported to NCDEQ and properly addressed. The Town will require contractors to provide proof of proper disposal for all waste generated as part of the project and encourage use of recyclable materials. Community agencies, organizations and the State Environmental Clearinghouse were consulted for concurrence of the anticipated FONSI. No adverse comments were received.

Additional project information is contained in the Town's Environmental Review Record is on file at the above addresses and is available for public examination and copying upon **between the hours of 9 AM and 4 PM Monday – Friday**, contingent upon coronavirus restrictions. No further environmental review of such project is proposed to be conducted prior to the request for release of federal funds.

PUBLIC COMMENTS

All interested agencies, groups and persons are invited to submit written comments for consideration by the Town to the above address on or before **September 22, 2020**, or **eighteen (18) days after this posting** (whichever is later). All such comments so received will be considered by the Town prior to authorizing submission of a Request for Release of Funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The Town certifies to HUD that Danna Widmar, in their official capacity as Special Projects Director, 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. The legal effect of the certification is that upon its approval, the Town may use the CDBG Program funds and HUD will have satisfied its responsibilities under NEPA and related laws and authorities.

OBJECTIONS TO STATE RELEASE OF FUNDS

HUD will accept an objection to its approval and release of funds and the Town's certification until **October 8, 2020**, or for a period of **fifteen (15) days** following the anticipated submission date, or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification was not executed by the Town's Certifying Officer; (b) the Town omitted a step or failed to make a decision or finding required by HUD regulations; (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 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 58.76) and shall be addressed to HUD Greensboro at **1500 Pinecroft Rd, Ste 401, Greensboro, NC 27407-3838; phone 336-851-5054**. Potential objectors should contact HUD to verify the actual last day of the objection period.

Danna Widmar, Special Projects Director

This information is available in Spanish or any other language upon request. Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Morgan Mansa, Housing & CDBG Mgr, Town of Cary, al 919-653-7153 o en 316 N Academy Street, Cary, NC 27513, de alojamiento para esta comunicado.

