

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A FLOODPLAIN**

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

To: All Interested Agencies, Groups, & Individuals

This is to give notice that the Vermont Agency of Commerce and Community Development (the Agency) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. The activity is funded under Title I [Section 8(o)(13)] of the U.S. Housing Act of 1937 and the National Housing Trust Fund programs.

The proposed project is known as Marble Village Apartments, located at 376, 398, and 416 Main Street, West Rutland, VT, and includes approximately 1.1 acres of land that consists of two existing vacant and blighted structures which will be demolished. The current project includes new construction of a multi-story residential building with 24 unit energy efficient apartment building with community gardens, green space, and a community public space, as well as parking, fencing, walkways, swales, landscaping, and utility connections.

According to FEMA floodmap (Panel 50021C0383D, dated August 28, 2008) 100 year floodplains exist in the project location. The proposed development includes direct impacts to approximately 0.26 acres of 100-year floodplain. The natural and beneficial values of, and impact resulting of the project to the floodplain were considered. The proposed project does not impact water resources at the site, except that the parking area will be paved, resulting in slightly more impervious surface. However, losing minor amount at the fringes of the floodplain is not expected to meaningfully impact water infiltration characteristics of the greater floodplain in the area. Additionally, adding a layer of pavement will not result in meaningful changes to water storage or flood water flow. Erosion controls will be in place during and after construction so erosion will not cause impacts to the remaining floodplain.

The Agency has considered alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Several alternatives to the proposed action were considered, mostly related to site layout and minimizing the extent of disturbance to the floodplain, resulting in the proposed development. Under the proposed options, the minimal impact to the natural values of the floodplain caused by the proposed development were outweighed by the benefit of safe site access and necessary parking.

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

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Agency for this project at the following addresses on or before May 7, 2024: Attn: Environmental Officer, Agency of Commerce and Community Development, Department of Housing and Community Development, One National Life Drive, Davis Building, 6<sup>th</sup> floor, Montpelier, Vermont, 05620, or via email at [Grace.Vinson@vermont.gov](mailto:Grace.Vinson@vermont.gov). A full description of the project may be received by email by contacting Grace Vinson, Environmental Officer, at [grace.vinson@vermont.gov](mailto:grace.vinson@vermont.gov). Comments may also be submitted via email to [grace.vinson@vermont.gov](mailto:grace.vinson@vermont.gov).

Date: April 30, 2024

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS  
STATE OF VERMONT**

April 30, 2024

Vermont Agency of Commerce and Community Development  
Alex Farrell, Deputy Commissioner of VT Department of Housing and Community  
Development  
One National Life Drive, Davis Building, 6<sup>th</sup> Floor  
Montpelier, VT 05620  
802-828-3080

**These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Vermont Agency of Commerce and Community Development (the Agency).**

**Request for Release of Funds**

On or about May 16, 2024, the Agency will submit a request to the U.S. Department of Housing & Urban Development (HUD) to release funds under Title I [Section 8(o)(13)] of the U.S. Housing Act of 1937, to be used for a project known as Marble Village Apartments located at 376, 398, and 416 Main Street, West Rutland, VT includes approximately 1.1 acres of land that consists of two existing vacant and blighted structures which will be demolished (a third was recently demolished as an emergency response). The current project includes acquisition, new construction of a multi-story residential building with 24 unit energy efficient apartment building with community gardens, green space, and a community public space, as well as parking, fencing, walkways, swales, landscaping, and utility connections. Supportive services will be available to those occupying approximately five of the units which will be geared towards those affected by homelessness.

The estimated total cost of the project is approximately \$13,159,906 including approximately \$1,034,500 in National Housing Trust funds. Approximately, 8 project based vouchers are anticipated from the Rutland Housing Authority.

**Finding of No Significant Impact**

The Agency has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record, which will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to Environmental Officer, Department of Housing and Community Development, National Life Building, One National Life Drive, Davis Building 6<sup>th</sup> floor, Montpelier, Vermont 05620 or via email at [Grace.Vinson@vermont.gov](mailto:Grace.Vinson@vermont.gov).

## **Public Comments**

Any individual, group, or agency may submit written comments on the ERR for consideration by the Agency to the Agency's office at Attn: Environmental Officer, Agency of Commerce and Community Development, Department of Housing and Community Development, One National Life Drive, Davis Building, 6<sup>th</sup> floor, Montpelier, Vermont, 05620, or via email at [Grace.Vinson@vermont.gov](mailto:Grace.Vinson@vermont.gov). All comments received by May 15, 2024 will be considered by the Agency prior to taking any administrative action or requesting the release of funds from HUD on the date listed above. Comments must specify which Notice they are addressing—the Finding of No Significant Impact or the Request for the Release of Funds.

## **Environmental Certification**

The Agency is certifying to HUD that Alex Farrell in his official capacity as Commissioner of the VT Department of Housing and Community Development, 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 Agency to use the funds under Title I [Section 8(o)(13)] of the U.S. Housing Act of 1937.

## **Objections to Release of Funds**

HUD will accept objections to its release of funds and the Agency'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 Agency; (b) the Agency 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 the HUD Director of Community Planning and Development [CPD\\_COVID-19OEE-BOS@hud.gov](mailto:CPD_COVID-19OEE-BOS@hud.gov). Potential objectors should contact HUD to verify the actual last day of the objection period.