

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

October 12, 2023

Kentucky Department for Local Government
100 Airport Road, 3rd Floor
Frankfort, KY 40601
(502) 573-2382

These notices are related to Federal assistance provided in response to the Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Incident Period: July 26, 2022-August 11, 2022, Declaration Date July 29, 2022). These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Commonwealth of Kentucky.

Per 24 CFR 58.33, the combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI-RROF) will be published simultaneously with the submission of the Request for Release of Funds (RROF) to the U.S Department of Housing and Urban Development (HUD) for HOME Investment Partnerships (HOME), Community Development Block Grant Disaster Recovery (CDBG-DR), and Community Development Block Grant Disaster Mitigation (CDBG-MIT) funds. The funds are needed on an emergency basis due to the impacts of a Presidentially declared disaster, Kentucky Severe Storms, Flooding, Landslides, and Mudslides (DR-4663-KY, Declaration Date July 29, 2022). As a result, the comment periods required under 24 CFR 58.45 for the FONSI and NOI-RROF and the HUD objection period required under 24 CFR 58.74 have been combined to occur in the same 15-day period. Commenters may submit comments to the Kentucky Department for Local Government (DLG) and objections to HUD to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about October 13, 2023, simultaneous with start of the public comment period initiated by the October 12, 2023 publication of the FONSI and NOI-RROF as allowed by 24 CFR 58.33, DLG will submit a request to the U.S. Department of Housing and Urban Development for the release of HUD HOME Investment Partnerships (HOME) Program funds (under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended) and Community Development Block Grant Disaster Recovery (CDBG-DR) and Mitigation (CDBG-MIT) funds (appropriated by the Continuing Appropriations Act, 2023 and the Department of Housing and Urban Development Appropriations Act, 2023 for major disasters occurring in 2022) pursuant to undertake a project known as Olive Branch, Knott County, KY-Team KY. The Commonwealth of Kentucky is invoking section "IV.A.3. Interchangeability of disaster funds" of FR-6393 to also deploy 2021 CDBG-DR and CDBG-MIT funds (appropriated by the Disaster Relief Supplemental Appropriations Act, 2022 for major disaster occurring in 2020 and 2021) for this project in addition to 2022 CDBG-DR and CDBG-MIT funds.

Project Title: Olive Branch Knott County, KY-Team KY
Project Location: County Road 1390, Talcum, Knott County, KY
Geographic Coordinates: 37.382968333/ -83.1079075
Purpose of Project: The Commonwealth of Kentucky, in partnership with Kentucky Housing Corporation (KHC), will build up to 142 single-family detached housing units in a new subdivision to on approximately 77 acres to create replacement housing following the July 2022 Southeastern Kentucky flood disaster.
Project Cost: \$1,500,000 in HOME funds, up to \$42,851,693 in CDBG-DR funds, up to \$914,800 in CDBG-MIT and \$7,893,360 in non-HUD funding for a total project cost of \$53,159,853 for 142 units.
Applicant/Recipient Agency: The Commonwealth of Kentucky, 702 Capital Avenue, Frankfort, KY 40601

FINDING OF NO SIGNIFICANT IMPACT

The Kentucky Department for Local Government (DLG) 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 (ERR) on file at <https://kydlgweb.ky.gov/> and <https://cpd.hud.gov/cpd-public/environmental-reviews> or at the office of the Knott County Fiscal Court at 54 West Main Street, Hindman, KY 41822 (606-785-5592), and is available for public examination and copying, upon request, between the hours of 9A.M. and 4 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Kentucky Department for Local Government-Office of Federal Grants, Attn. Jennifer Peters, at the address at the top of this notice or via email at jennifer.peters@ky.gov. All comments received by October 28, 2023, will be considered by DLG. Comments should specify which notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DLG certifies to HUD that Dennis Keene in his capacity as Commissioner 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 their responsibilities under NEPA and related laws and authorities and allows DLG to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DLG's certification for a period of 15 days following the anticipated submission date (concurrent with the DLG public comment period as permitted under 24 CFR 58.33), 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 DLG; (b) DLG 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 has committed funds or incurred costs 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 to funding must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the HUD Office of Disaster Recovery at disaster_recovery@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Dennis Keene, Commissioner- Department for Local Government