

Combined Notice Of Finding Of No Significant Impact And Intent To Request Release Of Funds

July 16, 2022

City of Duluth
Planning & Development Division
Room 160, City Hall
411 W 1st St
Duluth, MN 55802
(218) 730-5580

This Notice shall satisfy the above-cited two separate but related procedural notification requirements that the City of Duluth will be undertaking the following project listed below:

REQUEST FOR RELEASE OF FUNDS

On or about August 3, 2022 the City of Duluth will submit a request to the Department of Housing and Urban Development (HUD) Office for the release of Community Development Block Grant (CDBG) funds under Title (I) of the Community Development Act of 1974, as amended.

FY 2017 CDBG Program

17-PF-05 Lincoln Park Restoration Project

The City of Duluth's restoration of Lincoln Park will focus funds on restoration of the Works Progress Administration (WPA) pavilion, restoration of the Upper Terrace, including a new parking lot, basketball court, nature playscape and picnic pavilion, ADA trail connections, resurfacing of multi-use play field, relocation and construction of new structured playground, repaired picnic pavilion, new parking lot and site furnishings on Lower Terrace, new park entrance gates and signage/wayfinding, repave and stabilize Lincoln Park Drive. The total anticipated project costs are \$1,817,350, including \$750,000 National Outdoor Recreation Legacy Program funds from the National Parks Service Land and Water Conservation Program administered by the Minnesota Department of Natural Resources, and Community Development Block Grant funds from the Department of Housing and Urban Development funds administered by the City of Duluth. The project is scheduled to be completed by December 31, 2023

Total Project Cost: \$1,817,350.00

National Outdoor Recreation Legacy Program funds from the National Parks Service Land and Water Conservation Program administered by the Minnesota Department of Natural Resources: \$750,000

HOME Funds Community Development Block Grant funds from the Department of Housing and Urban Development funds administered by the City of Duluth: \$45,000.47

Mitigation factors: 1. 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. 2. Floodplain Management – This project is located in a 100-year floodplain. The 8-Step Process was conducted and is available for review in the full environmental review record. With the 8-Step Process the project is in compliance with Executive Order 11988. 3. Historic Preservation - Based on Section 106 consultation the project will have an Adverse Effect on historic properties. With mitigation, as identified in the MOA available for review in the full environmental review record, the project is in compliance with Section 106.

FINDING OF NO SIGNIFICANT IMPACT

The City of Duluth has determined that these projects 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. All permits must be acquired and best management practices, which include but are not limited to storm water management, must be addressed in the project designs and must be approved by the appropriate City authorities, before construction commences. Projects will be monitored during deconstruction and construction for environmental compliance with this finding. Additional project information is contained in the Environmental Review Record (ERR) online at <https://www.onecpd.info/environmental-review/environmental-review-records> or by emailing duluthcommdev@duluthmn.gov for an electronic copy or paper copy. Community members may also arrange for a paper copy of the ERR to be mailed to them or make an appointment to review a paper copy in-person by calling (218) 730-5580 or by mailing a request to City of Duluth Planning and Development Division, City Hall, Room 160, 411 W 1st St, Duluth, MN 55802.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit comments to the City of Duluth Planning and Development Division Office by email: duluthcommdev@duluthmn.gov or by mail: City Hall, Room 160, 411 W 1st St, Duluth, MN 55802. All comments received by August 3, 2022 will be considered by the City of Duluth, prior to authorizing submission of a request for release of funds. Commenters should specify which part of this Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City of Duluth certifies to HUD that Adam Fulton, in his capacity as Deputy Director of the Planning & Development Division, 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 Duluth to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Duluth's certification received by August 18, 2022 or a period of fifteen days from its 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 or other officer of the City of Duluth

approved by HUD; (b) the City of Duluth 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 must be prepared and submitted via email in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Minnesota Office of the Department of Housing and Urban Development (HUD), Community Planning and Development (CPD) at CPD_COVID-19OEE-MIN@hud.gov. Potential objectors should contact HUD via email to verify the actual last day of the objection period.

Adam Fulton
Deputy Director, City of Duluth Planning & Development Division

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