

**COMBINED NOTICE
NOTICE TO PUBLIC OF NO SIGNIFICANT IMPACT ON THE
ENVIRONMENT
AND NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS
CITY OF BIRMINGHAM, ALABAMA**

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

On or about **June 19, 2009**, the City of Birmingham, Alabama (the City) will submit a request to the State of Alabama, Department of Economic and Community Affairs (ADECA) release Federal funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383) for the following project:

Project Description:

The City of Birmingham, Alabama has received supplemental assistance under the CDBG Neighborhood Stabilization Program (NSP) from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,580,214.00; Grant Number B-08-MN-01-0001. A copy of the application to HUD is available for inspection on the City's website on the Community Development Department webpage at www.birminghamal.gov

In addition, the City of Birmingham, Alabama has received supplemental assistance under the CDBG Neighborhood Stabilization Program (NSP) in the amount of \$2,000,000.00 from the Alabama Department of Economic and Community Affairs (ADECA); Project Number NSP-GV-08-002. A copy of the pre-application to ADECA is available for inspection on the City's website on the Community Development Department webpage at www.birminghamal.gov

The City has previously undertaken a Tiered review entitled Environmental Monitoring Strategy for Unspecified Sites for Single Family and Multi-Family Residential Rehabilitation Activities financed through its Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs (Reference PY 31 Environmental Review: Housing Rehabilitation-Unspecified Site Strategy for complete file). This review covered the time frame July 1, 2005 through June 30, 2010 and the attached Authority to Use Grant funds issued by HUD on June 28, 2005 for these programs remains valid.

In accordance with 24 CFR Part 58.35(b)(7), the referenced HUD and ADECA NSP grant funds are deemed to be the approval of supplemental assistance under the CDBG program and as such the proposed NSP program activities do not involve substantial changes in the nature, magnitude or extent of activities previously approved under the City's CDBG Program and previously reviewed as a part of the referenced Environmental Monitoring Strategy for Unspecified Sites.

Specifically, the above referenced NSP Program funds will be utilized for an activity

previously reviewed titled Buy/Rehabilitate/Sell Program (\$100,000.00) with no substantial changes in the nature, magnitude or extent of the project which provides for the acquisition, rehabilitation, and resale of existing housing stock and associated costs to eligible CDBG participants. The only difference between the NSP Program Activities and Buy/Rehabilitate/Sell Activities that have been previously approved relate to funding amounts only for the NSP Programs as referenced herein.

Accordingly, the NSP Program Activities and funding levels referenced herein are hereby incorporated by reference into the City's tiered review entitled Environmental Monitoring Strategy for Unspecified Sites for Single Family and Multi-Family Residential Rehabilitation Activities financed through its Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs and a new Request for Release of Funds (RROF) and Authority to Use Grant Funds will not be required for the HUD-NSP Grant Funds referenced herein.

Each specific NSP project site regardless of funding source will be individually cleared in accordance with the City's Environmental Monitoring Strategy for Unspecified Sites. Should any project activity be determined to be not covered under the City's referenced unspecified site strategy, a new environmental review and public notice will be undertaken.

In consultation with the U.S. Department of Housing and Urban Development, Regional Environmental Officer, it has been determined that for NSP funding received directly from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,580,214.00; Grant Number B-08-MN-01-0001 no new Request for Release of Funds (RROF) is required. However, it has also been determined that for NSP funding received from ADECA in the amount of \$2,000,000.00; Project Number NSP-GV-08-002 a new Request for Release of Funds (RROF) is required.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

It has been determined that the Request for Release of Funds to ADECA will not constitute an action significantly affecting the quality of the human environment. The City has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (P.L. 91-190) because:

The proposed project did not meet the requirements necessary for the preparation of an Environmental Impact Statement (EIS) according to 24 CFR 58.37. An Environmental Review Record (ERR) for the proposed project has been made by the City that documents the environmental review and explains the reasons why an EIS is not required. The ERR is on file at the City's Community Development Department, 10th Floor-City Hall, 710 North 20th Street, Birmingham, Alabama 35203, and is available for public examination and copying for costs of reproduction, Monday through Friday from 8:00 a.m. until 5:00 p.m. Please note the (ERR) includes an Environmental Monitoring Strategy for Unspecified sites.

No further environmental review of this project is proposed prior to the Request for Release of Federal funds.

Public Comments on FONSI

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments on or before **June 15, 2009** to Mr. James F. Fenstermaker, Director, Community Development Department, 10th Floor-City Hall, 710 North 20th Street, Birmingham, Alabama 35203. All comments will be considered and no administrative action will be taken prior to **June 17, 2009**.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)

At least one day after the end of the public comment period for the FONSI, but not before comments have been considered and resolved, the City will submit a Request for Release of Funds (RROF) and Certification to ADECA. By so doing the City will certify that (1) it has performed the environmental review prescribed by HUD regulations, and (2) the City and Carole C. Smitherman, President, Birmingham City Council and Certifying Officer, consent to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to the environmental review or resulting decision-making and action. By approving the RROF, ADECA will satisfy its responsibilities under the National Environment Act, and will allow the City of Birmingham, Alabama to commit Neighborhood Stabilization Program (NSP) Grant Funds Community Development Block Grant funds to this project.

Objection to Release of Funds

ADECA will accept objections to its approval of the release of funds and the certification only if: (a) the certification was not in fact executed by the Certifying Officer; or (b) the applicant's Environmental Review Record for the project indicated omission of a required decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to the ADECA Environmental Clearance Officer, Alabama Department of Economic and Community Affairs; 401 Adams Avenue, Suite 580; P.O. Box 5690; Montgomery, Alabama 36103-5690. Objections to the release of funds on any other basis will not be considered by ADECA. No objection received after **July 6, 2009**, will be considered by ADECA.

Carole C. Smitherman, President
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Birmingham, Alabama 35203

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