Combined Public Notice

**Notice of Intent to Request Release of Funds (NOI RROF)**

**Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain or Wetland**

**Notice of Finding of No Significant Impact (FONSI)**

**Marengo County**

**To: All Interested Agencies, Groups, and Individuals:**

These notices shall satisfy three separate but related procedural requirements for activities to be undertaken by the Alabama Department of Economic and Community Affairs (ADECA). The proposed activities will assist residents affected by Hurricanes Sally and Zeta through the Extending Government Funding and Delivering Emergency Assistance Act (Pub. L. 117-43), and through Federal Register Vol. 87, No. 23 (87 FR 6364), Federal Register Vol. 87, No. 100 (87 FR 31636) and other subsequent federal registers, to undertake a project known as the Home Recovery Alabama Program (HRAP). ADECA is implementing a tiered environmental review approach for HRAP in accordance with 24 CFR 58.15 and 24 CFR 58.36.

REQUEST FOR RELEASE OF FUNDS

On or about April 7, 2023, or 15 days after publication of this notice, whichever is later, ADECA will submit a request the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds in the amount of $280,000,000 ($2,800,000 of which is the estimated Marengo County total program cost) for the repair or replacement of single-family homes which were damaged by Hurricanes Sally and Zeta.

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

This notice is required by Executive Orders (EOs) 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20. The proposed project(s) are located at scattered sites that have not yet been identified in Marengo County. In Marengo County, approximately 152,343 acres of land are located within the 100-year floodplain (Zones A and AE, AH, and AO) and approximately 121,751 acres are in a wetland (primarily Freshwater Emergent Wetland and Freshwater Forested/Shrub Wetlands). HRAP would assist vulnerable families in their recovery efforts, through the repair / rehabilitation of existing single-family (1-4 unit) housing; elevation; reconstruction / replacement of damaged homes, Manufactured Housing or Mobile Home Units (MHUs); and limited relocation assistance on a case-by-case basis. While the program strives to fund as many eligible projects as funding will allow, the program hopes to assist approximately 1,000 residents across a nine-county area, including the HUD-identified Most Impacted and Distressed (MID) areas of Baldwin, Mobile, Escambia, and Clarke Counties, and the state-identified MIDs of Dallas, Washington, Marengo, Wilcox, and Perry Counties.

ADECA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

**The No Action Alternative:** The no action alternative is not proposed. This alternative would result in homeowners within the 100-year floodplain or a wetland not receiving funding to provide for rehabilitated or reconstructed housing under HRAP. As a result, these property owners or renters may not be able to recover from the storms. Further, it would significantly inhibit the program’s rehabilitation and reconstruction goals given that structures in the 100-year floodplain are significantly more likely to experience flood damage, in addition to preventing the program from addressing the housing needs of the most vulnerable and disproportionally impacted residents of Alabama, particularly low‐ to moderate‐income households still suffering from hurricane‐related losses. Most of these residents would continue to live in the 100-year floodplain, in damaged, unsafe, and unsanitary housing. These residents would be at greater risk during future flood events, particularly if the homes do not meet current elevation requirements. Thus, the No-Action alternative would neither address Alabama’s need for safe, decent and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood or wetlands protection.

**Relocate All Projects Outside the Floodplain / Wetlands Alternative:** ADECA considered relocating projects outside of the 100-year floodplain and / or wetlands. This alternative would result in a highly desirable outcome from a perspective of flood risk reduction, by moving people and structures out of harm’s way. However, acquiring land for the purpose of development and relocating housing outside of the 100-year floodplain, is exorbitantly expensive and would vastly increase the cost of each individual housing project, thereby drastically reducing the number of projects the program could potentially fund. Additionally, the preference of most residents is to repair or rebuild their home in its current location. For these residents or tenants, relocating outside of the floodplain would negatively affect their proximity to their current employment and social network, including schools, churches, local services, neighbors, and family/relatives. Further, this alternative would leave behind pockets of areas with deteriorating flood-damaged and vacant homes and contribute to a decline that will lead to an increase in blighted conditions, become overgrown with vegetation, further damaged by possible vagrants, attract associated biological hazards, result in poor housing in their respective neighborhoods, thus creating a public safety hazard at the properties and the communities, and would even serve to lower the value of the surrounding real estate. Also, the economic feasibility of mass relocations would likely not be practical given funding restrictions. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricanes Sally and Zeta.

ADECA does acknowledge however, that less commonly, due to circumstances beyond the applicant’s control, replacement of a residence in the same location as their storm-damaged home may not be feasible. Therefore, ADECA has opted to allow the implementation of this alternative in very limited circumstances, to be considered on a case-by-case basis.

**The Proposed Alternative:** ADECA proposes to provide financial assistance to rehabilitate, reconstruct, or elevate housing structures on the same area in which the home resides; some of which may be located in the 100-year floodplain or wetlands. This action is designed to recover the affordable housing and structures that may have been destroyed or damaged due to Hurricanes Sally and Zeta. Under limited circumstances, HRAP may allow replacement manufactured homes to be relocated outside of the 100-year floodplain / wetland. In addition to requiring all proposed projects to comply with Green Building Standards as stated in Federal Register Vol. 87, No. 23 or the HUD Green Building Retrofit checklist, Alabama would implement construction methods that emphasize quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and new construction would be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters.

One purpose of HRAP is to reduce future damages from flooding. Under HRAP, all homes in the 100-year floodplain, that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b) (10), will be elevated with the lowest floor, including the basement, at least two feet above the BFE. Further, the owners of all properties in the 100-year floodplain, would be required to obtain and maintain flood insurance and informed that they must notify prospective future owners of the requirement to maintain flood insurance regardless of the transfer of ownership. This requirement is mandated to protect safety of residents and their property and the investment of federal dollars. Structures that are not substantially damaged would have minimal or no floodplain / wetland impacts as the project activities are in previously disturbed areas and within their construction footprints. If project activities are within or adjacent to wetlands, appropriate mitigation would be implemented to avoid adverse effects.

The proposed project will greatly assist the future homeowners and tenants who meet the low-moderate income criteria and provide them with homes that meet current minimum property standards with the use of better and higher quality building materials, provide safe and affordable housing, prevent future loss of life, and reduce future damages from flooding since all substantially damaged structures located in the SFHA, as applicable, will be elevated at least two feet above the most current BFE.

ADECA has reevaluated the alternatives to building in the floodplain and wetlands and has determined that it has no practicable alternative. In accordance with the 8-step decision-making process for action in the floodplain and / or wetlands ADECA has determined that the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters or adversely impact wetlands on the project site or surrounding areas, and in some circumstances may even reduce flood levels, flood risk, and increase the storage capacity of the floodplain / wetland within the project area. Environmental files that document compliance with steps 3 through 6 of EOs 11988 and 11990 are available for public inspection, review and copying at the times and locations described below.

There are three primary purposes for this notice.  First, people who may be affected by activities in a floodplain or wetlands 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 and request for public comment about floodplain or wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts 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 a floodplain or wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

ADECA has determined that the project will have no significant impact on the human or natural 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 the Alabama Department of Economic and Community Affairs, located at 401 Adams Avenue, Suite 500, Montgomery, AL 36104 or online at <https://adeca.alabama.gov/cdbg-disaster-recovery/hurricanes-sally-and-zeta/> and may be examined or copied weekdays between 9:00 A.M. and 5:00 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on these notices or the ERR to ADECA. Comments may be submitted to the attention of Chris Perkins, CED Engineer/Environmental Officer at ADECA, P.O. Box 5690, Montgomery, AL 26103-5690, or by email at Christopher.Perkins@adeca.alabama.gov with “Attention: Disaster Recovery Comments” in the subject line. All comments received by April 6, 2023 will be considered by ADECA prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The Alabama Department of Economic and Community Affairs (ADECA) certifies to HUD that Kenneth Boswell, in his capacity as Certifying Officer, 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 Alabama Department of Economic and Community Affairs (ADECA) to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and ADECA’s certification for a period of fifteen (15) days following receipt of the request only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer; (b) ADECA 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 58.76) and shall be addressed to Tennille Parker, Director, Office of Disaster Recovery, HUD, 451 7th Street SW, Rm. 7282, Washington, DC 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Certifying Officer: Kenneth Boswell, Director, Alabama Department of Economic and Community Affairs

Date: March 22, 2023