

**COMBINED FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY NEAR A WETLAND AND 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 / WETLAND**

This is to give notice that the Town of South Hero and the Vermont Agency of Commerce and Community Development (Agency) have conducted an evaluation as required by Executive Orders 11990 and 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded using the Community Development Block Grant (CDBG) program under Title I of the Housing and Community Development Act of 1974 (PL 93-383) and under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, for HOME Investment Partnership Program (HOME). The proposed Bayview Crossing project consists of 1.52 +/- acres of vacant land located at 10 Carter Lane in South Hero, Grand Isle County, Vermont, and involves acquisition of land and construction of a 30 unit senior housing building with in-house support services. Completion of the project also includes allowances for construction of a new 4 inch water main to the Village District from South Street, and the construction of a sewer force main to disposal fields located several thousand feet south of the property. While the building construction itself will not impact floodplains or wetlands, the proposed project requires crossing of several areas of wetlands for the sewer force main and the water main, and an area of 100 year floodplain, for the crossing of the sewer main.

The Town of South Hero and the Agency considered alternatives and mitigation measures to the proposed project to minimize adverse impacts and to preserve natural and beneficial values of the floodplains and wetlands. Alternatives considered included capitalizing on the already approved crossing at an adjacent property by installing an additional sewer force main line, sewer force main runs at other locations near the subject property, using available land north of the property for sewage disposal, locating the senior housing project in other areas of South Hero, and using a water storage tank system to better handle the peak water flow at the proposed building, in lieu of a water main upgrade. The non-preferred alternatives (development location and alternate sewage disposal options) were not selected as they were not technically feasible, given the few areas in South Hero with adequate water carrying capacity. The preferred alternative was selected because it will require fewer environmental impacts of wetland and floodplain crossings for the sewer main, and the construction of the water main will benefit many properties in the Village District. Under the selected project, all wetlands and floodplain will be restored after construction and any impact to the natural value of the floodplains and wetlands (e.g. less flood water storage) will be temporary in nature. State of Vermont and US Army Corps of Engineer Wetland Permits will be obtained prior to any construction activity.

The Town of South Hero and the Agency have reevaluated the alternatives to the proposed work in the floodplain and wetland and have determined that it has no practicable alternative. Environmental files that document compliance with Executive Orders 11990 and 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 near floodplains and 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 floodplains and 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 near floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by the Jonathan Shaw, Selectboard Chairman, Town of South Hero, 333 Route 2, PO Box 175, South Hero, VT 05486-0175, or via email at [jgtshaw@hotmail.com](mailto:jgtshaw@hotmail.com); or by the Agency, Department of Housing and Community Development, One National Life Drive, Davis Building, 6<sup>th</sup> floor, Montpelier, Vermont 05620, or via email at [James.Brady@vermont.gov](mailto:James.Brady@vermont.gov), Attention: Environmental Officer on or before January 22, 2021.

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

January 13, 2021

Vermont Agency of Commerce and Community Development  
James Brady, Environmental Officer  
1 National Life Drive  
Montpelier, Vermont 05620  
(802) 622 – 4236

Town of South Hero  
Jonathan Shaw, Selectboard Chairman  
333 Route 2, PO Box 175  
South Hero, VT 05486-0175

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

**Request for Release of Funds**

On or about January 30, 2021, the Town of South Hero will submit a request to the Agency to release Community Development Block Grants (CDBG) funds under Title I of the Housing and

Community Development Act of 1974 (PL93-383), the National Affordable Housing Act as amended; and the Agency will submit a request to HUD to release HOME Investment Partnership Program funds under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, to undertake a project known as the Bayview Crossing project. The project consists of 1.52 +/- acres of vacant land located at 10 Carter Lane in South Hero, Grand Isle County, Vermont, and involves acquisition and construction of a 30 unit senior housing building with in-house support services. Completion of the project also includes allowances for construction of a new 4 inch water main to the Village District from South Street, and the construction of a sewer force main to disposal fields located several thousand feet south of the property.

The estimated total cost of the project is approximately \$19,342,000 including anticipated amounts of approximately \$690,000 in CDBG Funds, approximately \$600,000 in HOME funds.

Mitigating factors include obtaining the necessary wetland permits from the State of Vermont and the US Army Corps of Engineers, and restoration of all wetland / floodplain areas after construction of the sewer force main and water main. Additionally, the building will be constructed using radon resistant construction materials and methods, and a passive radon mitigation system will be installed, which will be activated if post construction radon testing requires it.

### **Finding of No Significant Impact**

The Town of South Hero and the Agency have 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), 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 Town of South Hero, 333 Route 2, PO Box 175, South Hero, VT 05486-0175, to the attention of Jonathan Shaw, Selectboard Chairman, or via email at [jgtshaw@hotmail.com](mailto:jgtshaw@hotmail.com); or 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 [James.Brady@vermont.gov](mailto:James.Brady@vermont.gov).

### **Public Comments**

Any individual, group, or agency may submit written comments on the ERR to the Town of South Hero regarding the use of CDBG funds to Jonathan Shaw, Selectboard Chairman, Town of South Hero, 333 Route 2, PO Box 175, South Hero, VT 05486-0175, or via email at [jgtshaw@hotmail.com](mailto:jgtshaw@hotmail.com); or to the Agency for the use of HOME funds, Attn: 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 [James.Brady@vermont.gov](mailto:James.Brady@vermont.gov). All comments received by January 29, 2021 will be considered by the Town of South Hero and the Agency prior to authorizing the submission of a request for

release of funds. 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 Town of South Hero is certifying to the Agency that the Town of South Hero and Jonathan Shaw, in his official capacity as Selectboard Chairman, and the Agency is certifying to HUD that the Agency and Josh Hanford, in his official capacity as Commissioner of the VT Department of Housing and Community Development, consent 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. The Agency's/HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities and allows the Town of South Hero to use CDBG funds and the Agency to use the HOME funds.

### **Objections to Release of Funds**

The Agency will accept objections to its approval of the release of funds and acceptance of the Town of South Hero's certification, and HUD will accept objections to its approval of the release of funds and the State'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 Officers Jonathan Shaw/Josh Hanford; (b) the Town/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 the Agency/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 Environmental Officer at ACCD [James.Brady@vermont.gov](mailto:James.Brady@vermont.gov) for the CDBG funds, or to the HUD Director of Community Planning and Development [Robert.D.Shumeyko@hud.gov](mailto:Robert.D.Shumeyko@hud.gov) for the HOME funds. Potential objectors should contact the Agency/HUD via email to verify the last day of the objection period.