

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

**Date of Publication:** 1/9/2020

City of Jamestown  
102 Third Avenue Southeast  
Jamestown, ND 58401  
(701) 252-5900

**These notices shall satisfy two separate but related procedural requirements for activities to be undertaken in the City of Jamestown, by Eagle Flats, LLC.**

**REQUEST FOR RELEASE OF FUNDS**

**On or after January 4, 2021, the City of Jamestown will submit a request to the United States Department of Housing and Urban Development (HUD) for the release of funds to undertake the following project:**

**Project Title:** Eagle Flats

**Location:** 217 Second Avenue SW, Jamestown, Stutsman County, North Dakota

**Project Description:** The project includes demolition of the current structure and redevelopment of the 0.7-acre parcel with a 4-story multifamily apartment structure. It will consist of a total of 33 units located on floors two through four. The first floor will be utilized as a covered parking area. The site is currently developed, but vacant. It can be accessed via Second Avenue SW. The project is 100% affordable utilizing the Section 42 LIHTC (Low Income Housing Tax Credit) program and Housing Choice Voucher Section 8 Project-Based Rental Assistance with income restriction ranging from 30-80% AMI (Area Median Income). Sixteen (16) Section 8 Vouchers will be administered by the Great Plains Housing Authority and the project undertaken by Eagle Flats, LLC an affiliate of Commonwealth Development Corporation.

**Project Issues:**

The results of a Phase I ESA identified Recognized Environmental Conditions (RECs) related to historic on and off-site operations. Historic RECs on-site included a machine shop, blacksmith shop, auto repair, and gasoline cleaning house. A UST was also identified on site and is considered a REC. These are RECs due to the nature of operations as both facilities are often known sources of petroleum and chlorinated solvent contamination in soil and groundwater. A Limited Site Investigation was performed to assess soil and groundwater outside of the building footprint for diesel range organics (DRO), gasoline range organics (GRO) and volatile organic compounds (VOCs). Soil vapor was sampled for VOCs from below the basement slab for potential vapor intrusion concerns. Laboratory data for this effort reported low level concentrations of Diesel Range Organics in soil and groundwater at one location west of the building. All VOCs were reported below the Vapor Intrusion Risk Calculation in the soil gas. DRO slightly exceeded the North Dakota Department of Environmental Quality (NDDEQ) action level in one location.

**Mitigation Measures/Conditions/Permits (if any):**

Recommendations for mitigation related to the results of the soil, groundwater, and soil vapor investigation include decommissioning/abandonment of the UST, development of a soil and

groundwater management plan for use during construction, and installation of a vapor barrier with a passive venting system as part of the building design and construction.

**Estimated Project Cost:** Total project costs are anticipated to be \$8.7 million dollars. The project will receive sixteen Section 8 vouchers that will be administered by the Great Plains Housing Authority.

### **FINDING OF NO SIGNIFICANT IMPACT**

The City of Jamestown 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 City of Jamestown, 102 Third Avenue Southeast, Jamestown, North Dakota 58401. Please note, due to the current public health crisis, only the digital document is available for review at [www.jamestownnd.gov](http://www.jamestownnd.gov). A summary of the findings may be mailed upon request by contacting City of Jamestown at (701) 252-5900 or by e-mail to [info@jamestownnd.gov](mailto:info@jamestownnd.gov), weekdays between 8:00 a.m. and 4:00 p.m. This document will be available for review at the City of Jamestown City Hall when normal office hours resume, weekdays between 8:00 a.m. and 4:00 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 City of Jamestown, 102 Third Avenue Southeast, Jamestown, North Dakota 58401 or by e-mail to [info@jamestownnd.gov](mailto:info@jamestownnd.gov). All comments received by January 19, 2021 will be considered by the City of Jamestown prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

### **RELEASE OF FUNDS**

The City of Jamestown certifies to HUD that Dwaine Heinrich, Mayor 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 Great Plains Housing Authority to use HUD program funds and provide funding/vouchers to Eagle Flats, LLC.

### **OBJECTIONS TO RELEASE OF FUNDS**

HUD will accept objections to its release of funds and the City of Jamestown'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 Officer of the City of Jamestown; (b) the City of Jamestown 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, Sec. 58.76) and shall be addressed to the HUD Region VIII. Due to the impacts of COVID-19 and limited HUD staff presence in the office, objections are now being accepted electronically at the email address: [gpoph@hud.gov](mailto:gpoph@hud.gov).

Mayor Dwaine Heinrich, Certifying Officer for the City of Jamestown