NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
FOR TIERED PROJECTS AND PROGRAMS

Date of Publication: September 1, 2020
Knox County Department of Community Development
400 Main Street, Suite 630
Knoxville, Tennessee 37902
865-215-3980

On or after September 1, 2020 the Knox County Department of Community Development will submit a request to the Knoxville HUD CPD Field Office for the release of CDBG and HOME funds under Title 1 of the Housing and Community Development Act of 1974, as amended, and Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, to undertake the following project:

**Tier 1 Broad Review Project/Program Title:** Tiered Review of Single-Family Repair/Rehabilitation Projects for Program Years 2020-2024.

**Purpose:** Providing viable housing opportunities through repair and rehabilitation projects for Low- and Moderate-Income persons at various locations in Knox County.

**Location:** Project locations will be throughout Knox County and specific addresses will be assessed in the site-specific reviews.

**Project/Program Description:** Repair and rehabilitation of single-family (1-4 units on a contiguous site) homes located throughout Knox County. Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the tier 1 broad review for each address under this program when addresses become known.

**Level of Environmental Review Citation:** Categorically Excluded per 24 CFR 58.35(a)(3)(i), and subject to the laws and authorities at 58.5.

**Tier 2 Site Specific Review:** The site-specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review:

- Airport Hazards (24 CFR Part 51, Subpart D);
- Flood Insurance (Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a])
- Hazards, Toxic or Radioactive Materials and Substances (24 CFR Part 50.3(i) & 58.5(i)(2))
- Endangered Species (Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402)
- Explosive and Flammable Facilities (24 CFR Part 51, Subpart C)
- Floodplain Management (Executive Order 11988, particularly section 2(a); 24 CFR Part 55)
- National Historic Preservation Act (36 CFR Part 800)
- Noise Abatement and Control (24 CFR Part 51, Subpart B)
- Wetlands Protection (Executive Order 11990; 24 CFR Part 55)
- Environmental Justice (Executive Order 12898)

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

**Airport Hazards:** Project sites found to be located within a Runway Protection Zone will be rejected under this program, in accordance with HUD regulations.

**Flood Insurance:** Where specific projects are determined to have insurable property (primarily residential structures and outbuildings) located within the 100-year floodplain, Flood insurance will be obtained and the recipient will be notified of the requirement to maintain flood insurance for the life of the structure.

**Contamination and Toxic Substances:** A site specific determination will be secured using the NEPA assist tool within the EPA website. Sites found to require mitigation will either be rejected or will be analyzed as separate projects and be reviewed for compliance with applicable local, State, and Federal environmental laws and authorities and documented in a separate and contiguous environmental review record (i.e. the ERR will not be included as part of a tiered review system).
Endangered Species: For projects involving ground disturbance, where project activities have the potential to affect threatened or endangered species, or defined critical habitat, informal consultation with USFWS will determine if employed to determine any necessary mitigation.

Explosive and Flammable Hazards: When this authority is determined to be applicable, and if above-ground storage tanks are identified within one-mile of the project site, calculations of Acceptable Separation Distance (ASD) will be made. Project sites located beyond the ASD require no mitigation. Projects located less than the ASD from the identified hazard will be rejected.

Floodplain Management: The 8-Step Decision Making Process cited at 24 CFR 55.20 will be performed whenever a project is

- located partially or wholly within the floodplain, and
- the project consists of activities to which exemptions under 24 CFR 55.12 are not applicable.

Historic Preservation: Any properties aged 45 years or older will be subject to further review under Section 106 requirements for consultation with TN SHPO, and in accordance with existing Programmatic Agreements. For projects determined to involve significant ground disturbance, consultation with those tribal authorities determined by a search of HUD’s Tribal Directory Assistance Tool (TDAT) to have current or ancestral interests in Knox County will also be conducted in accordance with Section 106.

Noise Abatement and Control: Where projects are located in areas exposed to noise greater than 65 dB (DNL), attenuation measures will be incorporated as permitted by the scope of work and project budget.

Estimated Project Cost: $10,000,000.

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per Categorically Excluded per 24 CFR 58.35(a)(i), and subject to the laws and authorities at 58.5. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at 400 Main Street, Suite 630, Knoxville, TN 37902 and may be examined or copied weekdays from 8:00 AM to 4:30 PM. Members of the public may also download a digital copy by visiting www.knoxcounty.org/communitydevelopment. Should you need any special assistance viewing this documentation, please contact us by phone at 865-215-3980 or by email at CDFeedback@knoxcounty.org.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Knox County Community Development at the address above or by email at CDFeedback@knoxcounty.org. All comments received by September 8, 2020 will be considered by the Knox County Community Development Department prior to authorizing submission of a request for release of funds. Due to the President’s Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak on March 13, 2020, part of these funds could be needed on an emergency basis due to the declared emergency and therefore the public comment and objection periods for Knox County and HUD have been combined. Any comments submitted to Knox County must also be sent to HUD at the address listed below.

ENVIRONMENTAL CERTIFICATION

Knox County certifies to HUD that Glenn Jacobs, Certifying Officer, in his capacity as County Mayor 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. HUDs approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Knox County Department of Community Development to use HUD program funds.
OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and Knox County’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 Knox County; (b) Knox County 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 U. S. Department of HUD, Knoxville Field Office, Region IV, John J. Duncan Federal Building, 710 Locust Street, Suite 300, Knoxville, TN 37902-2526. Potential objectors should contact HUD to verify the actual last day of the objection period.

Glenn Jacobs, Knox County Mayor, Certifying Officer