

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

December 6, 2018

Washington County

One Government Center Place

Abingdon, VA 24210

(276)783-5103

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about January 12, 2019, the County of Washington County will submit a request to the Virginia Department of Housing and Community Development (DHCD) for the release of Community Development Block Grant funds under Title 1 of the Housing and Community Development Act of 1974 (PL 93-383), as amended, to undertake a project known as Rattle Creek Water System Project, for the purpose of providing water to 12 households in the Rattle Creek area of Northwest Washington County.

FINDING OF NO SIGNIFICANT IMPACT

Washington County 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 Washington County Government Center Building, One Government Center Place, Abingdon, VA; on the Washington County website (washcova.com); and posted at Barnes Chapel Church. and may be examined or copied weekdays (8) A.M. to (5) 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 Mount Rogers Planning District Commission, ATTN: Angela Wolfe, 1021 Terrace Drive, Marion, VA 24354. All comments received by December 24, 2018 will be considered by Washington County prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

Washington County certifies to DHCD that Jason Berry in his capacity as County Administrator 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. DHCD'S approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Washington County to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

DHCD will consider objections to its release of funds and the Washington County certification received by January 11, 2018 or a period of fifteen days from its 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 or other officer of Washington County approved by DHCD; (b) Washington 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 project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DHCD; 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) and shall be addressed to DHCD at:

Director
Virginia Department of Housing & Community Development
Attn: Program Administration and Assistance Office
Main Street Centre
600 E. Main St., Suite 300
Richmond, Virginia 23219-2430
(804) 371-7061 [TTP 371-7089 / FAX 371-7093]

Potential objectors should contact DHCD to verify the actual last day of the objection period.

Jason Berry, County Administrator

THE COMBINED NOTICE (FONSI/NOI-RROF) MUST BE DISTRIBUTED TO:

Barbara Rudnick, PG
NEPA Team Leader
US EPA Region III (3EA30)
1650 Arch Street, Phila, PA 19103
(215) 814-3322/ Fax: (215) 814-2783
Rudnick.Barbara@epamail.epa.gov

Department of Environmental Quality
Division of Environmental Enhancement
629 East Main Street, 6th Floor
Richmond, VA 23219
(804) 698-4330

Director
Virginia Department of Housing & Community Development
Attn: Program Administration and Assistance Office
600 East Main Street, Suite 300
Richmond, VA 23219-1321
(804) 371-7061 [Virginia Relay Center 771 / FAX 371-7093]

Local Regional and Tribal Agencies adjacent to or surrounding the jurisdiction issuing the NOI-RROF.

ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: 18-16

PROJECT NAME: Rattle Creek Water System Project

PART 1

Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities

(Must be completed for each individual addressed included under overall project description)

Use this worksheet for projects that are Categorically Excluded Subject to 24 CFR §58.5 listed at 24 CFR §58.35(a) and for projects that require an Environmental Assessment.

Project Name: Rattle Creek Water System Project

ERR FILE # _____

Definitions: A: The project is in compliance.

B: The project requires an additional compliance step or action.

Statute, Authority, Executive Order Cited at 24 CFR §58.5	A	B	COMPLIANCE FINDING	SOURCE DOCUMENTATION
1. 58.5(a) Historic Properties [36 CFR 800]	X		No historic properties will be affected	DHR review attached/no response from Indian Tribes
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]	X		The project is not located in a floodplain	FEMA floodplain maps
3. 58.5(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]		X	Six small subaqueous water line stream crossings, but no impact to any other wetlands. The proposed line will be laid immediately adjacent to the roadway and at stream crossing immediately beside the roadway shoulder. Therefore, the proposed water line will not result in the destruction or disturbance of any known marshland or wetland.	NCRS Websoil Survey, National Wetland Inventory Map, VMRC, ACOE, and DEQ comments. See VDH ERR, sec. #3.02, and letter from DEQ.
4. 58.5(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	X		There are no coastal zones in the project area	Project is not located near the coast
5. 58.5(d) Sole Source Aquifers [40 CFR 149]	X		There are no sole source aquifers in the area	EPA map attached
6. 58.5(e) Endangered Species [50 CFR 402]	X		No critical habitats are located in the project area	US Dept. of Interior – Fish and Wildlife Service
7. 58.5(f) Wild and Scenic Rivers [36 CFR 297]	X		There are no Wild and Scenic Rivers in VA	National Wild and Scenic Rivers System Report
8. 58.5(g) Air Quality [40 CFR parts 6, 51, 61, 93]	X		The project is not located in a Non-attainment area	EPA Green Book report attached
9. 58.5(h) Farmland Protection [7 CFR 658]	X		No impact to prime farmland	US Department of Agriculture
10. 58.5(i)(1) Noise Control and Abatement [24 CFR 51B]		X	There will be temporary noise associated with construction	Project location does not include a noise sensitive use area
11. 58.5 (i) (1) Explosive and Flammable Operations [24 CFR 51C]	X		Any storage tanks are an acceptable distance from the	No hazardous facilities in the project area. See attached

		project area	EPA maps.
12. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]	X	There are no military or other airports within 15,000 feet of the project area	No airport is located within 15,000 feet of project area.
13. 58.5(i)(2)(i-iv) Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	X	No toxic substances located in the project area	See attached EPA reports
14. 58.5(j) Environmental Justice [Executive Order 12898]	X	No known or perceived socio-economic or environmental justice issues related to the proposed project area.	Community input sessions and neighborhood survey.

DETERMINATION:

Tract-level data on race & income:

<http://www.ffiec.gov/geocode>

Summary of Mitigation Measures:

(Required for Incorporation into Project Design, included in Public Notices, and included as requirements of contracts, grants, loans, etcetera? Ensure final measures are included in Project Description Section of 7015.15)

References:

(List the Federal, State, or local agencies contacted to obtain their existing environmental reports and other data used for the environmental review of the proposed project)

Department of Historic Resources, FEMA, US Fish and Wildlife, EPA, IPac Trust Report, USDA Soil Survey Report, Us Wild and Scenic Rivers Report, DEQ, DCR, The Nature Conservancy, US ACOE, VMRC, VDOT, Dept. of Agriculture and Consumer Services,

List of Major Reports Obtained:

(Attach report(s), such as wetlands delineation studies, biological evaluations or habitat assessments, Phase I and II environmental site assessments)

Environmental review prepared by WCSA for the Virginia Department of Health

18. List of Preparers and Summary of Qualifications:

Angela Wolfe, Regional Planner

PART 2

Project Location:

The project is located in the Rattle Creek Road area in the Northwestern portion of Washington County, Virginia, between Rich Valley Road and Kimberlin Road.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The project will include the installation of approximately 6,000 LF of new water line as well as installation of all related appurtenances and 12 new service meters.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The residents of Rattle Creek Road rely on wells and springs for water supply. These wells and spring have several shortcomings. Disinfection is not provided and bacteria are present in at least some of the individual samples that were taken. In addition to this, fire protection is not available. For the residents of the project area to have a safe and adequate water supply, a public water system needs to be developed for their usage

Existing Conditions and Trends [24 CFR 58.40(a)]:

Funding Information

Grant Number	HUD Program	Funding Amount
CIG 18-16	DHCD CDBG	\$175,000

Estimated Total HUD Funded Amount: \$175,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$320,540.00

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located within 15,000 feet of an airport.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located near the coast.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located within a 100 year floodplain. See attached FEMA maps.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No air quality issues present in the project area.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is not located on/near the coast
Contamination and Toxic	Yes No	

Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No hazardous facilities in the project area
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no critical habitats located in the project area.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No hazardous facilities in the project area.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No farmlands in the project area.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project area is not located in a floodplain.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no historic properties in the project area.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There will be temporary noise associated with construction.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No sole source aquifers in the area.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed project does not appear to impact marshlands or wetlands. Construction will be performed on the East side of the roadway isolated from resources on the West Side. Stream crossings will be coordinated through the Joint Permit Application Process as requested by VMRC and follow ACOE permit conditions. See

		VDH ERR and letter from DEQ.
Wild and Scenic Rivers		There are no wild and scenic rivers in the area.
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
ENVIRONMENTAL JUSTICE		
Environmental Justice		The project will have no disproportionate effects as the entire community will benefit from a safe and dependable drinking water supply. The presence of the water system may promote modest residential growth within the service area over the coming years.
Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	No impact anticipated
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	No impact anticipated
Hazards and Nuisances	3	Temporary noise associated with construction activities.

including Site Safety and Noise		
Energy Consumption	2	No impact anticipated

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	No impact anticipated
Demographic Character Changes, Displacement	2	No impact anticipated

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	No impact anticipated
Commercial Facilities	2	No impact anticipated
Health Care and Social Services	2	No impact anticipated
Solid Waste Disposal / Recycling	2	No impact anticipated
Waste Water / Sanitary Sewers	2	No impact anticipated
Water Supply	1	Public water supply will be provided.
Public Safety - Police, Fire and Emergency Medical	1	Public water supply will allow fire hydrants to be placed, therefore improving fire safety in the project area.
Parks, Open Space and Recreation	2	No impact anticipated
Transportation and Accessibility	2	No impact anticipated

Environmental	Impact	
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Assessment Factor	Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	No impact anticipated
Vegetation, Wildlife	2	No impact anticipated
Other Factors		

Additional Studies Performed:

ERR prepared for VDH by WCSA

Field Inspection (Date and completed by):

10/25/18 completed by Angela Wolfe

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

EPA, tribal authorities, Department of Environmental Quality, Department of Historic Resources, FEMA, US Fish and Wildlife, IPac Trust Report, USDA Soil Survey Report, US Wild and Scenic Rivers Report, DCR, The Nature Conservancy, US ACOE, VMRC, VDOT, Dept. of Agriculture and Consumer Services,

List of Permits Obtained:

Erosion and Sediment Control Plan, Army Corps of Engineers Stream Permit, Waterworks Construction Permit, VDOT Land Use Permit

Public Outreach [24 CFR 50.23 & 58.43]:

Public Hearing on 12/5/17 held regarding the ERR prepared for VDH by WCSA

Cumulative Impact Analysis [24 CFR 58.32]:

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]: No action alternative would leave the residents of the Rattle Creek area without adequate water service or fire protection.

Summary of Findings and Conclusions: Although the no action alternative would have the least effect on the environment, it would leave the residents of the area without a safe, adequate water supply or fire protection.

No significant impact on the environment.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
VMRC	<i>Stream crossings will be coordinated through the Joint Permit Application Process and follow ACOE permit conditions.</i>

Determination:

Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Angela Wolfe Date: 12/10/18

Name/Title/Organization: Angela Wolfe, Regional Planner, Mount Rogers Planning

District Commission

Certifying Officer Signature: Jason Berry Date: 12/12/18

Name/Title: Jason Berry, County Administrator, Washington County, VA

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).