



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF), AND FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A WETLAND

**STARWAY VILLAGE APARTMENTS
2346 CAROLINA BEACH ROAD,
WILMINGTON, NEW HANOVER COUNTY, NC 28401**

NOVEMBER 18, 2022

To: All interested Agencies, Groups and Individuals

Name of Responsible Entity and Recipient: North Carolina Office of Recovery and Resiliency (NCORR), P.O. Box 110465, Durham, NC 27709. Contact: Director Laura Hogshead (984) 833-5350.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Review of a Proposed Activity in a Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by NCORR.

Project Description: NCORR is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in North Carolina. NCORR proposes to provide CDBG-DR funding of \$9,000,000.00 for the Starway Village Apartments (“Proposed Activity”), which is on an approximate 15.67-acre tract located at 2346 Carolina Beach Rd. (US Highway 421), Wilmington, New Hanover County, North Carolina 28401. The Proposed Activity is anticipated to have a total cost of \$68,759,433.00. The Proposed Activity will involve the new construction of a multifamily, affordable housing project consisting of 278 units in seven apartment buildings (3 and 4 stories) including two playgrounds, a clubhouse, a pool, parking, two stormwater detention ponds, and landscaped areas. An extension of Maryland Avenue east across the southern portion of the site to Carolina Beach Road is also proposed. The development will be conducted in two phases. The City is seeking to address the affordable housing inventory shortage exacerbated by

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the effects of the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). Starway Village Apartments will provide a multifamily residential development for low- and middle-income households in the City of Wilmington. Funding for the Proposed Activity will be provided by the Affordable Housing Development Fund Program for Hurricane Florence storm recovery activities in North Carolina.

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A WETLAND

NCORR has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Wetlands Protection. The Proposed Activity will result in only permanent impacts to an approximately 0.24-acre isolated, freshwater, emergent/scrub-shrub wetland on the northern portion of the site. This depressional basin wetland functions as a collection point for stormwater from the Starway Flea Market and surrounding commercial properties. The natural and beneficial functions and values related to hydrology and water quality include slowing down stormwater runoff, providing surface and subsurface retention, and filtering out pollutants. Proposed Activity impacts will consist of fill and grading for a proposed stormwater management pond and fill for a stable foundation for one apartment building (Building 2).

NCORR has considered the alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: this site is the most suitable, feasible location for this affordable housing project out of four sites considered; the other sites were not selected based on anticipated traffic issues, bridge expenses over an environmentally sensitive creek, airport noise issues, economic viability of the proposed action related to seller's high purchase price, and non-competitive scores within the State's scoring criteria for LIHTC awards; the "No Action" alternative would not address the City's affordable housing shortage; and mitigation measures include two proposed stormwater ponds, project design to minimize impacts from removal of the wetland by constructing a larger stormwater pond in the same location, and native plants in the site's landscaping design.

Since the action will include new construction in wetland, EO 11990 requires that the Proposed Activity not be supported if there are practicable alternatives to new construction in wetlands. NCORR has reevaluated the alternatives to building in wetland, and has determined that it has no practicable alternative. According to the US Army Corps of Engineers, a Clean Water Act Section 404 Permit is not required. The NC Department of Environmental Quality, Division of Water Resources' State General Permit for Impacts to Isolated Wetlands and Isolated Waters #IWGP100000 (July 15, 2022) applies to the Proposed Activity. Erosion and sedimentation control plan approval, stormwater (NPDES and State) permits, and other applicable permits from State and local jurisdictions will be obtained before commencing work. The Proposed Activity will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions. Alternatives and the 8-step process have been further documented in the EO 11990 Protection of Wetlands Determination which is available for review.

There are three primary purposes for this notice. First, people who may be affected by activities in wetlands and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request

for public comment about wetlands can facilitate and enhance federal efforts to reduce the risks 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 wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Activity has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Activity is anticipated. NCORR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. NCORR has determined that the Proposed Activity will have no significant impact on the human environment and, therefore, does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA and EO 11990 Protection of Wetlands Determination is available online at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. Documents may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833-5350 to make an appointment.

Further information may be requested by writing to the above address, emailing publiccomments@rebuild.nc.gov or by calling (984) 833-5350. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on the Proposed Activity within Wetland, FONSI and/or NOIRROF: Any individual, group or agency may submit written comments on the Proposed Activity. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before December 5, 2022 at publiccomments@rebuild.nc.gov. Written comments may also be submitted by mail, in the proper format, to be received on or before December 5, 2022, and addressed to: Laura Hogshead, Director, NCORR, ATTN: Starway Village Apartments, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before December 5, 2022 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the submission of a request for release of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or after December 6, 2022, the NCORR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the North Carolina CDBG-DR program.

NCORR certifies to HUD that Laura Hogshead, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. 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 NCORR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and NCORR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the NCORR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by NCORR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; 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 58.76) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to disaster_recovery@hud.gov.

Laura Hogshead
Certifying Officer
November 18, 2022