

**Combined Notice of
Finding of No Significant Impact and
Notice of Intent to Request Release of Funds**

**State of Minnesota
Community Development Block Grant Coronavirus (CDBG-CV) Program**

Date of posting: November 4, 2021

Responsibility Entity:
City of Appleton
323 W. Schlieman Ave
Appleton, MN
320-289-1363

Preparer:
Upper Minnesota Valley Regional Development Commission
323 West Schlieman Avenue
Appleton, MN 56208
Phone: 320-289-1981

TO ALL INTERESTED PARTIES, GROUPS AND PERSONS:

The purpose of this notice is to identify two separate but related actions to be taken by the City of **Appleton** (hereinafter referred to as the Grantee).

One, the Grantee has made a Finding of No Significant Impact on project activities described below and two, the Grantee intends to request the Business and Community Development Division, Small Cities Development Program, Minnesota Department of Employment and Economic Development (DEED BCD) to release Community Development Block Grant Coronavirus (CDBG-CV) funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (PL166-136) for the following projects.

Pursuant to HUD CPD Notice 20-07 "Guidance on conducting environmental reviews pursuant to 24 CFR Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19" this notice combines the public comment and objection periods into one 18-day comment period. CARES Act funding is needed on an emergency basis as projects funded with CARES Act funds are designed to prevent, prepare for, and respond to the Presidentially declared coronavirus health emergency.

Appleton Fiber to the Premise Broadband Project

The City of Appleton is looking to increase broadband capacity to its 1,400 residents by creating a fiber to the premise network that will provide symmetrical service within the city. The project will install broadband infrastructure main fiber lines to residential and non-residential properties including nursing homes. The project will be restricted to within the city limits of Appleton. This will involve excavation to install broadband fiber lines in previously disturbed and potentially undisturbed ground. The project may include restoration of

excavated areas/repair of roadways, hook-ups etc. The areas that will be impacted by the project include easements, roadways, yards etc.

The project is covered under an expedited review because there continues to be an emergency need for citizens to get broadband coverage. Current internet service providers from cable, satellite and wireless are to not able to meet the demand from the residents, business community or key institutions like the school and healthcare facility.

CDBG-CV Commercial Rehabilitation Project

This project will provide at least 12 businesses with a new or repaired HVAC (Heating, Ventilation and Air Conditioning) system with good ventilation and safe air circulation. Quality HVAC systems are needed to prevent, prepare for, and respond to COVID-19 for their employees and the general public. The systems listed are old and do not offer good ventilation and safe air circulation. The project includes the potential replacement or repair of the heating unit, the replacement, repair or installation of an air conditioning unit, and the replacement, repair, or installation of an HRV (Heat Recovery Ventilator) or ERV (Energy Recovery Ventilator) system to better filter the air within the commercial business.

The project is covered under an expedited review because there continues to be an emergency need for inadequate HVAC and ventilation systems to be repaired or replaced in the businesses that serve the public to prevent, prepare for, and respond to COVID-19.

Finding of No Significant Impact

The Grantee has determined that the Appleton Fiber to Premise Broadband project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (PL 91-190) is not required. Additional project information is contained in the Environmental Review Record on file at 323 W Schlieman Ave, Appleton MN 56208 and may be examined or copied between the hours of 8 am and 4:30 pm.

An Environmental Impact Statement was found to not be required due to determining Airport Hazards, Coastal Barrier Resources, Flood Insurance, Clean Air, Coastal Zone Management, Explosives and Flammable Hazards, Farmlands Protection, Noise Abatement and Control, Sole Source Aquifers, Wild and Scenic Rivers, and Environmental Justice would not have adverse impacts on the human environment. Any potential impacts from (Contamination and Toxic Substances, Endangered Species, Floodplain Management, Historic Preservation, and Wetlands Protection would be reviewed in a reevaluation when the locations of the fiber lines are known.

Notice of Intent to Request Release of Funds for a Tiered Project

In accordance with 24 CFR Part 58.15, a tiered review process for proposed activities that are categorically excluded has been structured for the CDBG-CV Commercial Rehabilitation Project, whereby some environmental laws and authorities have been reviewed for the target area and other applicable laws and authorities will be complied with, when participating properties have been identified and projects are ripe for review. Specifically, the target area has been studied and compliance with the following laws and authorities has been

established: wetland protection, sole source aquifers, wild and scenic rivers, coastal zone management, air quality, explosives and flammable hazards, noise control, farmlands protection, airport runway clear zone requirements.

Compliance with the following laws and authorities will take place once properties within the target area have been identified, but prior to the commitment of funds: environmental justice historic properties, contamination and toxic substances, endangered species floodplain management/Flood Disaster Protection Act requirements and HUD environmental standards for hazards. By direct contact and with this notice and other opportunities for public participation, the Grantee intends to fulfill the consultation requirements of Section 106 of the National Historic Preservation Act. Compliance documentation on the aforementioned laws and authorities will be in each individual property file, and copies will be available, once established, at Upper Minnesota Valley Regional Development Commission. No further environmental review of these projects is to be conducted until the Authority to Use Grant Funds has been granted on these reviews.

The Broad Tier Environmental Review Record that documents the environmental determinations for this project is on file and is available for public examination and copying, upon request, at 323 W Schlieman Ave, Appleton MN 56208 between the hours of 8 am and 4:30 pm.

Request for Release of Funds

Pursuant HUD CPD Notice 20-07 "Guidance on conducting environmental reviews pursuant to 24 CFR Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19" this notice combines the public comment and objection periods into one 18-day comment period. As a result, on or about the day this notice is released the Grantee will submit a request to DEED BCD for the release of CDBG-CV funds authorized by the CARES Act (PL 166-136) for the projects described above.

Public Comments

Any individual, group, or agency may submit written comments on the Environmental Review Record for consideration by the Grantee to the 323 W Schlieman Ave, Appleton MN 56208 or via email to cityappleton@appletonmn.org. Comments must also be submitted to DEED BCD at Irene.Dassier@state.mn.us. Written comments received at the Grantee's physical address will be scanned and emailed to DEED BCD. All comments received by November 22, 2021 will be considered by the Grantee and DEED BCD prior to authorizing the request for release of funds. Comments should specify which notice and notice they are addressing.

Environmental Certification

The Grantee is certifies to DEED BCD that Dan Tosel, in his official capacity as Mayor, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making and action; and that these responsibilities have been satisfied. DEED BCD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Grantee to use Program funds.

Objections to State Release of Funds

DEED BCD will accept objections to the release of funds and acceptance of the certification for a period of **18 days** following the date this notice was released 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 in fact executed by the Chief Executive Officer of the Grantee; (b) that the Grantee omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grantee 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 DEED BCD; 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 procedure (24 CFR, Part 58.76) and emailed to Irene.Dassier@state.mn.us. Potential objectors should contact this email address as well to verify the actual last day of the objection period.

Dan Tosel, Mayor
Certifying Officer for the City of Appleton
c/o The City of Appleton
323 W. Schlieman Ave
Appleton, MN 56208