



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

COMMUNITY DEVELOPMENT DIVISION

300 Sixth Street
Rapid City, SD 57701

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MEMORANDUM

TO: Legal & Finance Committee

FROM: Barbara Garcia, Community Development Specialist

DATE: November 15, 2006

RE: Authorization for Mayor to sign the Combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Grant Funds Certification form for the Dahl Fine Arts Center

Staff is seeking City Council authorization for the Mayor to sign the Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Grant Funds and the HUD Request for Release of Funds and Certification form for the Dahl Fine Arts Center.

HUD has awarded the Dahl Fine Arts Center \$248,000 in VA-HUD Special Project Grant funds to expand the current facility across the vacated alley and connect onto the old MDU building. The Dahl also plans to move the location of the front doors to the new addition and remodel the existing facility and the MDU building.

The Community Development Division has accomplished an Environmental Review of this project and has determined that there will be no adverse impact on the environment as long as the required mitigations are accomplished. A 15-day public comment period has been completed with no public comments received. The Request for Release of Funds and Certification must be sent to HUD in Denver for concurrence and a 15 day comment period before the Dahl Fine Arts Center may request their draws from HUD in Washington D.C.

Staff Recommendation: City Council to authorize the Mayor to sign the Combined Notice of Finding of No Significant Impact and Notice of Intent to Request a Release of Grant Funds Certification form for the Dahl Fine Arts Center



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

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

City of Rapid City
Community Development Division
300 Sixth St.
Rapid City, SD 57701
Telephone: (605) 394-4181
Fax #: (605) 394-6636

Date Issued: October 20, 2006
Date Expired: November 6, 2006

These notices shall satisfy two separate but related procedural requirements for activities undertaken by Dahl Fine Arts Center.

REQUEST FOR RELEASE OF FUNDS

On or about November 6, 2006 the City of Rapid City will submit a request to the U.S. Department of Housing and Urban Development for the release of funds under VA-HUD Independent Agencies Appropriations Act for 2005 (PL 108-447) for the following project:

PROJECT/PROJECT SUMMARY: The Dahl Fine Arts Center is proposing to expand the current facility across the vacated alley and connect onto the old MDU building. The Dahl also plans to move the location of the front doors to the new addition and remodel the existing facility and the MDU building.

LOCATION: E1/2 of Lot 26; all of Lots 27-32; S1/2 vacated alley adjacent to Lots 28-32; Block 103, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County South Dakota

SCOPE OF WORK: Improvement and expansion of the arts facilities. Accessibility upgrades, adding security measures and climate control for the artwork, improving the gallery, classrooms, performance and multi-purpose spaces, and creating income generation points.

ESTIMATED COST: 4.5 million dollars

VA-HUD SPECIAL PROJECT GRANT: \$248,000

PROJECT NO.: B-05-SP-SD-0279

FINDING OF NO SIGNIFICANT IMPACT

The City of Rapid City has determined that the project will have no significant impact on the human environment. An Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA), therefore is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Community Development Division, 300 Sixth Street, Rapid City, SD, and may be examined or copied weekdays from 8:00 A.M. to 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 Rapid City Community Development Division. All comments received by November 6, 2006 will be considered by the Rapid City Community Development Division prior to authorizing submission of a request for release of funds. Comments must clearly specify which Notice they are addressing – the Finding of No Significant Impact or the Request for Release of Funds.

RELEASE OF FUNDS

The City of Rapid City certifies to HUD that the Mayor and his designee in his/her official capacity, consent 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 approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Dahl Fine Arts Center to use Program funds.

OBJECTIONS TO THE RELEASE OF FUNDS

HUD will accept objections to its release of funds and the City of Rapid City'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 Rapid City; (b) the City of Rapid City has omitted a step or failed to make a decision of finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before the approval of a release of funds by HUD; or (d) another Federal agency 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 of 24 CFR Part 58, and may be addressed to U.S. Department of Housing and Urban Development (HUD), Region VIII Office, 8ADE, 1670 Broadway Street, Denver, Colorado, 80202-4801. Potential objectors should contact HUD to verify the actual last day of the objection period.

Jim Shaw, Mayor
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 12/31/2007)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

| | | |
|--|---|---|
| 1. Program Title(s) | 2. HUD/State Identification Number | 3. Recipient Identification Number (optional) |
| 4. OMB Catalog Number(s) | 5. Name and address of responsible entity | |
| 6. For information about this request, contact (name & phone number) | 7. Name and address of recipient (if different than responsible entity) | |
| 8. HUD or State Agency and office unit to receive request | | |

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

| | |
|--|--|
| 9. Program Activity(ies)/Project Name(s) | 10. Location (Street address, city, county, State) |
| 11. Program Activity/Project Description | |

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

| | |
|---|-----------------------------|
| Signature of Certifying Officer of the Responsible Entity | Title of Certifying Officer |
| | Date signed |
| X Address of Certifying Officer | |

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

| | |
|--|-----------------------------|
| Signature of Authorized Officer of the Recipient | Title of Authorized Officer |
| | Date signed |
| X | |

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)