NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

May 7, 2013

John M. Bramble, City Manager
City of Merced
678 W. 18th Street
Merced, California 95340
Phone (209) 385-6863

On or about May 28, 2013 the City of Merced will submit a request to the U.S. Department of Housing and Urban Development for the release of funds under the Economic Development Initiative-Special Project Grants, to be used to provide funding for the third and final phase of the Merced Theatre restoration. The request for grant is $237,500 and the estimated total cost for the project is $6,000,000.

The activity proposed is categorically excluded under HUD regulation at 24 CFR Part 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for the above project is on file at the City of Merced Housing Division, 678 W. 18th Street, Merced, CA 95340, and may be examined or copied weekdays between 8 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Merced at the above address. All comments received by May 24, 2013, will be considered by the City of Merced prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The City of Merced certifies to HUD that John M. Bramble in his capacity as the City Manager 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. HUD's approval of the certification satisfies its responsibilities, and allows the City of Merced to use program funds.

ENVIRONMENTAL CERTIFICATION

The City of Merced certifies to HUD that John M. Bramble in his capacity as City Manager 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. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Merced to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to the Responsible Entity’s (RE) Request for Release of Funds and Environmental Certification for a period of fifteen days following the anticipated submission date specified above 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 Merced; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58 or by CEQ regulations at 40 CFR 1500-1508, as applicable; (c) the RE has omitted one or more steps in the preparation, completion or publication of the

Environmental Assessment or Environmental Impact Study per 24 CFR Subparts E, F or G of Part 58, as applicable; (d) the grant recipient or other participant in the development process has committed funds for or undertaken activities not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification; (e) another Federal, State or local agency 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 HUD GRANT ADMINISTRATION OFFICE at Office of Planning and Community Development at 600 Harrison Street, 3rd Floor, San Francisco, CA 94107-1300. Potential objectors should contact HUD to verify the actual last day of the objection period.

John M. Bramble, City Manager