**Environmental Assessment**

**Determinations and Compliance Findings**

**for HUD-assisted Projects**

**24 CFR Part 58**

# Project Information

|  |  |
| --- | --- |
| **Project Name:** | 700-American |

|  |  |
| --- | --- |
| **HEROS Number:**  | 900000010404766 |

|  |  |
| --- | --- |
| **Responsible Entity (RE):**  | BLOOMINGTON, 1800 W Old Shakopee Rd Bloomington MN, 55431 |

|  |  |
| --- | --- |
| **RE Preparer:**  | Aarica Coleman |

|  |  |
| --- | --- |
| **State / Local Identifier:**  |  |

|  |  |
| --- | --- |
| **Certifying Officer:** |  |

|  |  |
| --- | --- |
| **Grant Recipient (if different than Responsible Entity):** |  |

|  |  |
| --- | --- |
| **Point of Contact:**  |  |

|  |  |
| --- | --- |
| **Consultant (if applicable):** |  |

|  |  |
| --- | --- |
| **Point of Contact:**  |  |

|  |  |
| --- | --- |
| **Project Location:** | 700 American Blvd W, Bloomington, MN 55420 |

|  |
| --- |
| **Additional Location Information:** |
| N/A |

|  |  |
| --- | --- |
| **Direct Comments to:** | hra@bloomingtonmn.gov AND 1800 West Old Shakopee Road Bloomington, MN 55431 |

|  |
| --- |
| **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:** |
| 700 American is a new construction, mixed use property totally 177,348 Gross Square Feet. The building will consist of 128 affordable apartment homes (133,436 SF) and approximately 1500 square feet of ground level commercial space. The project will be completed in one phase. 700 American will sit on on a 1.85 acre site and will be comprised of one building. The property will be acquired by the developer from the City of Bloomington, who currently owns the site. |

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

|  |
| --- |
| The proposed project will provide affordable units averaging to 50% of AMI for seniors (55+) within the City of Bloomington. As identified in the City's 2040 Comprehensive Plan, it is anticipated that the population over the age of 65 will increase by 40% in the City by 2030. By 2040, over one quarter of the population is forecast to be seniors within Bloomington. The proposed project provides much needed population-specific affordable housing. |

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

|  |
| --- |
| The proposed property was originally acquired by the City as part of a Right-of-Way acquisition and has since been identified as a critical site in Bloomington for the development of affordable housing. The site represents one of very few remaining vacant parcels in the City. The site is a qualified census tract, and the proposed project runs along an existing transit corridor. The surrounding area is primarily commercial, with access to key community amenities such as a grocery store. The addition of this project would provide much needed housing in a successful commercial corridor. |

**Maps, photographs, and other documentation of project location and description:**

**Determination:**

|  |  |
| --- | --- |
| ✓ | Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment |
|  | Finding of Significant Impact |

**Approval Documents:**

[700 American BLVE ERR Signature Page.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183654)

|  |  |
| --- | --- |
| **7015.15 certified by Certifying Officer on:** |  |

|  |  |
| --- | --- |
| **7015.16 certified by Authorizing Officer on:** |  |

**Funding Information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Grant / Project Identification Number** | **HUD Program**  | **Program Name** | **Funding Amount** |
| MN152 | Other | Housing Choice Voucher | $122,400.00 |

|  |  |
| --- | --- |
| **Estimated Total HUD Funded, Assisted or Insured Amount:**  | $122,400.00 |

|  |  |
| --- | --- |
| **Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** | $26,721,664.00 |

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

|  |  |  |
| --- | --- | --- |
| **Compliance Factors**: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6 | Are formal compliance steps or mitigation required? | Compliance determination(See Appendix A for source determinations) |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6** |
| **Airport Hazards**Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D | 🞎 Yes 🗹 No | The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. |
| **Coastal Barrier Resources Act** Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] | 🞎 Yes 🗹 No | This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. Closest coastal barrier is located in Duluth, Minnesota approximately 160 miles from project site. |
| **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 | Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. |
| **STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5** |
| **Air Quality**Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93 | 🞎 Yes 🗹 No | The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. |
| **Coastal Zone Management Act**Coastal Zone Management Act, sections 307(c) & (d) | 🞎 Yes 🗹 No | This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. Project is not near the coast. |
| **Contamination and Toxic Substances**24 CFR 50.3(i) & 58.5(i)(2)] | 🞎 Yes 🗹 No | Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. |
| **Endangered Species Act**Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 | 🞎 Yes 🞎 No | This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. |
| **Explosive and Flammable Hazards**Above-Ground Tanks)[24 CFR Part 51 Subpart C | 🞎 Yes 🗹 No | There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. Prior fuel storage tanks removed from the site. |
| **Farmlands Protection**Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 | 🞎 Yes 🗹 No | This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Site was previously occupied by a gas station and auto repair and is not in a farmland protected area. |
| **Floodplain Management**Executive Order 11988, particularly section 2(a); 24 CFR Part 55 | 🞎 Yes 🗹 No | This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. |
| **Historic Preservation**National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 | 🞎 Yes 🞎 No | Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106. |
| **Noise Abatement and Control**Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B | 🞎 Yes 🗹 No | A Noise Assessment was conducted. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. Airport noise does not impact site, as demonstrated by the fact that the site is situated so far from the noise contour, to not be included on the attached map. |
| **Sole Source Aquifers**Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 | 🞎 Yes 🗹 No | The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The City of Bloomington has 6 aquifers and receive water from Minneapolis for additional redundancy, as described in the attached Comprehensive Plan Chapter. |
| **Wetlands Protection**Executive Order 11990, particularly sections 2 and 5 | 🞎 Yes 🗹 No | The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. |
| **Wild and Scenic Rivers Act**Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) | 🞎 Yes 🗹 No | This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. |
| **HUD HOUSING ENVIRONMENTAL STANDARDS** |
| **ENVIRONMENTAL JUSTICE** |
| **Environmental Justice**Executive Order 12898 | 🞎 Yes 🗹 No | No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project site or surrounding neighborhood will not suffer from adverse environmental conditions and it will not create an adverse and disproportionate environmental impact or aggravate any existing impact. Specifically, the project will expand affordable housing opportunities for low income seniors. The site is presently vacant and does not include any existing occupants to be displaced. |

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes**: An impact code from the following list has been used 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** | **Mitigation** |
| --- | --- | --- | --- |
| **LAND DEVELOPMENT** |
| Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design | 1 | All approvals have been received from the City of Bloomington to be in conformance with building codes, Land Use, Zoning and design. The neighborhood will benefit from the reuse of a now vacant parcel. |   |
| Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff | 2 |   |   |
| Hazards and Nuisances including Site Safety and Site-Generated Noise | 2 | The project will be constructed per City and State building codes and will not create any hazards or nuisances beyond normal construction procedures. |   |
| **SOCIOECONOMIC** |
| Employment and Income Patterns | 1 | The project will provide construction and other jobs through the construction phase of the development. In addition, a small number of on-site permanent jobs will be added to the area. |   |
| Demographic Character Changes / Displacement | 1 | This project will provide much-needed low-income senior apartments. This is a significant identified need within Bloomington. This site will increase the number of residents along a transit corridor and connect households to nearby community resources in the direct vicinity. |   |
| Environmental Justice EA Factor | 1 | There has been significant opportunity for public input on the project throughout the review process. This site will increase the number of residents along a transit corridor and connect households to nearby community resources in the direct vicinity. The proposed project activates a currently vacant parcel. |   |
| **COMMUNITY FACILITIES AND SERVICES** |
| Educational and Cultural Facilities (Access and Capacity) | 2 | Project is serving seniors, so no anticipated impact to public schools. |   |
| Commercial Facilities (Access and Proximity) | 2 |   |   |
| Health Care / Social Services (Access and Capacity) | 2 |   |   |
| Solid Waste Disposal and Recycling (Feasibility and Capacity) | 2 | Existing systems are adequate for increase use by this development. |   |
| Waste Water and Sanitary Sewers (Feasibility and Capacity) | 2 | Existing systems are adequate for increase use by this development. |   |
| Water Supply (Feasibility and Capacity) | 2 | Existing systems are adequate for increase use by this development. |   |
| Public Safety - Police, Fire and Emergency Medical | 2 | Existing systems are adequate for increase use by this development. |   |
| Parks, Open Space and Recreation (Access and Capacity) | 2 | Existing systems are adequate for increase use by this development. |   |
| Transportation and Accessibility (Access and Capacity) | 1 | This development is located in close to three bus stops that connecting to various retail centers within Bloomington and surrounding communities. |   |
| **NATURAL FEATURES** |
| Unique Natural Features /Water Resources | 2 |   |   |
| Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.) | 2 | The site is presently a vacant lot. The project will have no impacts on wildlife or plants. |   |
| Other Factors 1 |   |   |   |
| Other Factors 2 |   |   |   |
| **CLIMATE AND ENERGY** |
| Climate Change | 2 | The site is currently a vacant lot. The proposed improvements result in and infill project, increasing density near a commercial area. Additionally, this project provides residential options near key employment opportunities where previously there were little residential options. |   |
| Energy Efficiency | 2 | Proposed project is located near transit and commercial services. Additionally, the site will have reduced parking and the new construction building will incorporate current energy efficiency standards. |   |

**Supporting documentation**

**Additional Studies Performed:**

|  |
| --- |
|  |

|  |  |
| --- | --- |
| **Field Inspection [Optional]:** Date and completed by: |  |
|   |   |

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

|  |
| --- |
| See Phase 1 Environmental Site Assessment Report completed by Braun Intertech for a listing of sources, agencies and persons contacted in the completion of the report.[700 American Phase I ESA 582024.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012182274) |

**List of Permits Obtained:**

|  |
| --- |
|  |

**Public Outreach [24 CFR 58.43]:**

|  |
| --- |
| The project has gone through several public meetings and hearings or approvals, including Bloomington's Port Authority, Planning Commission and City Council. The most recent Council meeting took place on December 13, 2023. See the attached agenda for the meeting. The Bloomington HRA held a public meeting on February 13, 2024 at which the 700 American project was awarded 8 PBV units. |

[700 American Council Report.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012182080)

**Cumulative Impact Analysis [24 CFR 58.32]:**

|  |
| --- |
| This project provides a positive impact to the community by providing much needed affordable senior housing, which is currently in high demand. The site is currently vacant, and has been identified by the City as key opportunity for affordable housing development. Based on site characteristics, future residents will have access to public transit, commercial, and employment opportunities. |

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

|  |
| --- |
|  |

**No Action Alternative [24 CFR 58.40(e)]**

|  |
| --- |
| The project offers an opportunity to locate eight PBV units in a new affordable senior development in an area will served by transportation and employment. Presently, the City has no other new construction developments that may serve as an alternative. |

**Summary of Findings and Conclusions:**

|  |
| --- |
| The 700 American senior development by Schafer Richardson will have a positive impact on the project site, no an under-utilized vacant parcel, The project will provide seniors an affordable housing opportunity that is located near transportation and employment. The development will not cause any environmental impacts of significance. |

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below areall 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 or Condition** | **Comments on Completed Measures** | **Mitigation Plan** | **Complete** |

**Project Mitigation Plan**

|  |
| --- |
|  |

**Supporting documentation on completed measures**

**APPENDIX A: Related Federal Laws and Authorities**

 **Airport Hazards**

|  |  |  |
| --- | --- | --- |
| General policy | Legislation | Regulation |
| It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.  |  | 24 CFR Part 51 Subpart D |

**1. To ensure compatible land use development, you must determine your site’s proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?**

|  |  |
| --- | --- |
| ✓ | **No** |

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

|  |  |
| --- | --- |
|  | **Yes** |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. |

**Supporting documentation**

[700 American Proximity to Airport.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181708)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Coastal Barrier Resources**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.  | Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)  |  |

1. **Is the project located in a CBRS Unit?**

|  |  |
| --- | --- |
| ✓ | No |

Document and upload map and documentation below.

|  |  |
| --- | --- |
|  | Yes |

**Compliance Determination**

|  |
| --- |
| This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. Closest coastal barrier is located in Duluth, Minnesota approximately 160 miles from project site. |

**Supporting documentation**

[700 American CBRS map.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183181)

[Coastal Barriers.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181969)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Flood Insurance**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained. | Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128) | 24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b). |

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

|  |  |
| --- | --- |
| ✓ | No. This project does not require flood insurance or is excepted from flood insurance.  |

 Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | Yes |

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

 |  |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. |

**Supporting documentation**

[27053C0456F.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181975)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Air Quality**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.  | Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d)) | 40 CFR Parts 6, 51 and 93 |

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

|  |  |
| --- | --- |
| ✓ | Yes |
|  | No |

**Air Quality Attainment Status of Project’s County or Air Quality Management District**

**2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?**

|  |  |
| --- | --- |
| ✓ | No, project’s county or air quality management district is in attainment status for all criteria pollutants.  |

|  |  |
| --- | --- |
|  | Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):  |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. |

**Supporting documentation**

[700 Toxic Substances and Air Quality(1).pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183198)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Coastal Zone Management Act**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.  | Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d)) | 15 CFR Part 930 |

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. Project is not near the coast. |

**Supporting documentation**

[Coastal Zone.png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181976)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Contamination and Toxic Substances**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulations |
| It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property. |  | 24 CFR 58.5(i)(2)24 CFR 50.3(i) |

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

|  |  |
| --- | --- |
| ✓ | American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA) |
|  | ASTM Phase II ESA |
|  | Remediation or clean-up plan |
|  | ASTM Vapor Encroachment Screening |
|  | None of the Above |

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

|  |  |
| --- | --- |
| ✓ | No |

**Explain:**

|  |
| --- |
| A release of unleaded gasoline was reported to the MPCA on July 12, 1999 from the former 494 Freeway 66 Service Station and assigned Leak ID #12851. The MPCA determined that the cleanup performed in response to Leak No. 12851 had adequately addressed the petroleum contamination. This leak is determined to be a historical recognized environmental condition. |

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| Site contamination was evaluated as follows: ASTM Phase I ESA. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements. |

**Supporting documentation**

[700 Toxic Substances and Air Quality.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183195)

[Final Phase 1-700 Parcel 2008(1).pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012182042)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Endangered Species**

|  |  |  |
| --- | --- | --- |
| General requirements | ESA Legislation | Regulations |
| Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).  | The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq*.); particularly section 7 (16 USC 1536). | 50 CFR Part 402 |

**1. Does the project involve any activities that have the potential to affect specifies or habitats?**

|  |  |
| --- | --- |
| ✓ | No, the project will have No Effect due to the nature of the activities involved in the project.  |

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office |

|  |  |
| --- | --- |
|  | Yes, the activities involved in the project have the potential to affect species and/or habitats. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. |

**Supporting documentation**

[Critical Habitat for Threatened Endangered Species USFWS.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183280)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
|  | No |

**Explosive and Flammable Hazards**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards. | N/A | 24 CFR Part 51 Subpart C |

**1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?**

|  |  |
| --- | --- |
| ✓ | No |
|  | Yes |

**2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?**

|  |  |
| --- | --- |
|  | No |

|  |  |
| --- | --- |
| ✓ | Yes |

**3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:**

**• Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR**

**• Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.**

**If all containers within the search area fit the above criteria, answer “No.” For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer “Yes.”**

|  |  |
| --- | --- |
| ✓ | No |

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. Prior fuel storage tanks removed from the site. |

**Supporting documentation**

[Final Phase 1-700 Parcel 2008.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181984)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Farmlands Protection**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes. | Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) | [7 CFR Part 658](http://www.access.gpo.gov/nara/cfr/waisidx_11/7cfr658_11.html) |

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. Site was previously occupied by a gas station and auto repair and is not in a farmland protected area. |

**Supporting documentation**

[CLK-1-991.jpg](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181986)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Floodplain Management**

|  |  |  |
| --- | --- | --- |
| General Requirements | Legislation | Regulation |
| Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. | Executive Order 11988 | 24 CFR 55 |

**1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]**

|  |  |
| --- | --- |
|  | 55.12(c)(3) |
|  | 55.12(c)(4)  |
|  | 55.12(c)(5)  |
|  | 55.12(c)(6)  |
|  | 55.12(c)(7)  |
|  | 55.12(c)(8)  |
|  | 55.12(c)(9)  |
|  | 55.12(c)(10)  |
|  | 55.12(c)(11)  |
| ✓ | None of the above  |

**2. Upload a FEMA/FIRM map showing the site here:**

[27053C0456F(2).png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181989)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

|  |  |
| --- | --- |
| ✓ | No |

Based on the response, the review is in compliance with this section.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project does not occur in a floodplain. The project is in compliance with Executive Order 11988. |

**Supporting documentation**

[27053C0456F(1).png](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181988)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Historic Preservation**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects  | Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) | 36 CFR 800 “Protection of Historic Properties” <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf> |

***Threshold***

**Is Section 106 review required for your project?**

|  |  |
| --- | --- |
|  | No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.) |
| ✓ | No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)]. |
|  | Yes, because the project includes activities with potential to cause effects (direct or indirect). |

**Threshold (b). Document and upload the memo or explanation/justification of the other determination below:**

 Based on the response, the review is in compliance with this section.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106. |

**Supporting documentation**

[MN SHPO 700 American.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183206)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
|  | No |

**Noise Abatement and Control**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate. | Noise Control Act of 1972General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields” | Title 24 CFR 51 Subpart B |

**1. What activities does your project involve? Check all that apply:**

|  |  |
| --- | --- |
| ✓ | New construction for residential use |

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

|  |  |
| --- | --- |
|  | Rehabilitation of an existing residential property |

|  |  |
| --- | --- |
|  | A research demonstration project which does not result in new construction or reconstruction |
|  | An interstate land sales registration |
|  | Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster |
|  | None of the above |

4**. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000’ from a major road, 3000’ from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

|  |  |
| --- | --- |
|  | There are no noise generators found within the threshold distances above.  |

|  |  |
| --- | --- |
| ✓ | Noise generators were found within the threshold distances.  |

5**. Complete the Preliminary Screening to identify potential noise generators in the**

|  |  |
| --- | --- |
| ✓ | Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))  |

|  |  |
| --- | --- |
| Indicate noise level here:  | 65 |

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

|  |  |
| --- | --- |
|  | Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a)) |

|  |  |
| --- | --- |
|  | Unacceptable: (Above 75 decibels) |

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

|  |  |
| --- | --- |
|  | Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.  |

|  |  |
| --- | --- |
| Indicate noise level here:  | 65 |

Document and upload noise analysis, including noise level and data used to complete the analysis below.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| A Noise Assessment was conducted. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. Airport noise does not impact site, as demonstrated by the fact that the site is situated so far from the noise contour, to not be included on the attached map. |

**Supporting documentation**

[MSP-2023-Annual-Noise-Contour-Report\_2 31.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181994)

[700 AMERICAN BLVD W - Project Manual.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181797)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Sole Source Aquifers**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. | Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349) | 40 CFR Part 149 |

**1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**2. Is the project located on a sole source aquifer (SSA)?**

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

|  |  |
| --- | --- |
| ✓ | No |

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

|  |  |
| --- | --- |
|  | Yes |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. The City of Bloomington has 6 aquifers and receive water from Minneapolis for additional redundancy, as described in the attached Comprehensive Plan Chapter. |

**Supporting documentation**

[Water Source.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012181997)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Wetlands Protection**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.  | Executive Order 11990 | 24 CFR 55.20 can be used for general guidance regarding the 8 Step Process. |

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

|  |  |
| --- | --- |
|  | No |
| ✓ | Yes |

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

|  |  |
| --- | --- |
| ✓ | No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction. |

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

|  |  |
| --- | --- |
|  | Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. |

**Supporting documentation**

[700 American Blvd Wetland Map.pdf](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012183185)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Wild and Scenic Rivers Act**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.  | The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c)) | 36 CFR Part 297  |

**1. Is your project within proximity of a NWSRS river?**

|  |  |
| --- | --- |
| ✓ | No |
|  | Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River. |
|  | Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River. |

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. |

**Supporting documentation**

[Wild and Scenic Rivers.jpg](https://heros.hud.gov/heros/faces/downloadFile.xhtml?erUploadId=900000012182002)

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

**Environmental Justice**

|  |  |  |
| --- | --- | --- |
| General requirements | Legislation | Regulation |
| Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.  | Executive Order 12898 |  |

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |

Based on the response, the review is in compliance with this section.

**Screen Summary**

**Compliance Determination**

|  |
| --- |
| No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project site or surrounding neighborhood will not suffer from adverse environmental conditions and it will not create an adverse and disproportionate environmental impact or aggravate any existing impact. Specifically, the project will expand affordable housing opportunities for low income seniors. The site is presently vacant and does not include any existing occupants to be displaced. |

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

|  |  |
| --- | --- |
|  | Yes |
| ✓ | No |