



September 27, 2024

Candice Schmidt, Chairwoman  
Ponca Tribe of Nebraska  
2523 Woodine Street  
Niobrara, NE 68760

RE: Benjamin Villas, 3000 Benjamin Avenue, Norfolk NE 68701  
HOME Investment Partnerships Program

Dear Chairwoman Schmidt:

Your response is requested within thirty (30) calendar days.

The State of Nebraska is considering funding the proposed project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the State of Nebraska has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include, but may not be limited to, archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The State of Nebraska will conduct a review of the proposed project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize, or mitigate potential adverse effects.

To meet project timeframes, if you would like to be a consulting party on this project, **please let us know of your interest within thirty (30) days**. If you have any known initial concerns with the impacts of the project on religious or cultural properties, please note them in your response.

For your consideration in preparing a response to this request, please find enclosed a detailed project description, as well as a map that shows the project area and, if applicable, an additional area of potential indirect effects.

As part of this review, if the State is made aware of certain known information from the State Historic Preservation Officer (SHPO) and other sources, including non-confidential information from other tribes, that information is included in this letter as an enclosure.

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.hudexchange.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

**If you do wish to consult on this project, please respond within thirty (30) days.** Please include in your reply to the name and contact information for the tribe's principal representative in the consultation.

**If you do not wish to consult on this project, please inform us within thirty (30) days.**

Thank you for your attention in this matter. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

*Joseph H. Lauber*

Joseph H. Lauber  
Deputy Director – Operations/Chief Legal Officer  
Environmental Review Certifying Officer  
Nebraska Department of Economic Development  
[joseph.lauber@nebraska.gov](mailto:joseph.lauber@nebraska.gov)  
402-471-3758 (direct)  
800-426-6505 (toll-free)

Enclosures: Detailed Project Description  
Project Map  
Certain known information from SHPO

cc: Theresa Foley, Tribal Historic Preservation Officer [THPO]

## 24-OERH-10002 - Project Description – Benjamin Villas - Norfolk

Benjamin Villas is a proposed new construction 28-unit rental housing project to be occupied by the general population. The units will be on the northeast side of town at approximately 3000 East Benjamin Avenue in Norfolk, Madison County Nebraska (The Project). The project will be built in duplex design and consists of 28 single story, three- and four-bedroom rental units (fourteen buildings). The 3 Bedroom units will have 1,218 square feet of living space and the 4 Bedroom Units will have 1,501 square feet. The four-bedroom ADA unit will have 1,557 square feet. All units in Benjamin Villas will include 3kW of Solar. The units also have an attached garage, garage door opener, storm shelter, washer, dryer, range, refrigerator, dishwasher, garbage disposal and microwave. Lawn care, snow removal, and trash will be provided and paid for by the project. Project will adhere to the (federal Internal Revenue Code) Section 42 Low Income Housing Tax Credit (LIHTC) Program. Four of the units will be HOME Investment Partnerships Program (“HOME”) floating HIGH HOME units occupied by tenants at or below 60% AMI (area median income). There will be no displacement of residents, business, or farms. The Project is estimated to be completed within two years.

The total project cost is \$7,315,643. Of this amount, \$4,108,807 will be funded with Federal Low-Income Housing Tax Credit equity, \$1,811,835 will be funded with State Affordable Housing Tax Credit equity, \$85,000 will be from Owner Equity, \$650,000 will be in the form of a HOME Funds deferred loan, \$660,000 will be in the form of a conventional first mortgage.

The Norfolk Housing Development Corporation is the LIHTC and HOME Funds Applicant. Mesner Development Co. is Developer of the project. The Norfolk Housing Development Corporation will also be the Managing Member of Benjamin Villas, LLC, the ownership entity of the project. The Norfolk Housing Agency will be the Property Management Agent. The investing member of the LLC will be Midwest Housing Equity Group. The Norfolk Housing Development Corporation will receive the non-profit Right of First Refusal on the project.

All the units are handicapped adaptable and will meet visit ability standards. Two units will meet all Uniform Federal Accessibility Standards (UFAS) requirements for accessibility. One unit will meet the visual/hearing impaired requirements.



Here open to all is the history of this people.

September 19, 2024

Christopher Lenz  
Mesner Development Co.  
VIA EMAIL

RE: HP# 2409-024-01; Construction of Senior Housing Duplexes in Norfolk, Madison Co., NE;  
NE1/4 of Sec 24-T24-R1W

Dear Christopher Lenz,

Thank you for submitting information for the above-referenced project for the Nebraska State Historic Preservation Office (NESHPO) to review and comment on. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Based on the information provided, the proposed undertaking is unlikely to affect any cultural resources listed on the National Register of Historic Places or eligible for such a listing. Therefore, a determination that there will be **no historic properties affected** is appropriate for this undertaking, and the project should proceed as planned. Should any changes in this project be made, please notify this office of the changes before further project planning continues.

Be advised that this determination does not necessarily reflect the opinion of Native American Tribes who may have an interest in the area.

Please retain this correspondence and your documented finding to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at [chelsea.rose@nebraska.gov](mailto:chelsea.rose@nebraska.gov).

Sincerely,



Chelsea Rose  
Preservation Archaeologist

1500 R Street  
Lincoln, NE, 68508-1651  
<https://history.nebraska.gov>



Benjamin Villas - Norfolk - Site Plan








# Ponca Tribe of NE\_Schmidt

Final Audit Report

2024-09-27

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