



**U.S. Department of Housing and Urban
Development**

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Washington, DC 20410
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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

**This is a suggested format that may be used by Responsible Entities to document completion of an
Environmental Assessment.**

Project Information

Project Name: Benjamin Villas, LLC

Responsible Entity: Nebraska Department of Economic Development

Grant Recipient Benjamin Villas, LLC

State/Local Identifier: Nebraska – 24-OERH-10002

Preparer: Christopher Lenz, Mesner Development Co.

Certifying Officer Name and Title: Joseph Lauber, Deputy Director – Operations/Chief Legal Officer

Grant Recipient (if different than Responsible Entity): Benjamin Villas, LLC

Consultant (if applicable): N/A

Direct Comments to: Chris Lenz, Mesner Development – lenz@mesnerlaw.com 308-940-0493

Project Location: Approximately 3000 East Benjamin Avenue, Norfolk, Nebraska.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

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 visitability standards. Two units will meet all Uniform Federal Accessibility Standards (UFAS) requirements for accessibility. One unit will meet the visual/hearing impaired requirements.

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

The purpose of the project is to build much-needed quality, safe, affordable rental housing for the senior population residents in Norfolk, Nebraska. All units will be leased to households whose incomes are below unit designations in 10% increments between 40% and 60% or less of the area median income (AMI) as determined in accordance with Section 42 of the Internal Revenue Code.

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

Benjamin Villas is a proposed 28-unit rental housing project to be occupied by the general population located in Norfolk, Nebraska. The units will be on the northeast side of town at approximately 3000 East Benjamin Avenue in Norfolk, Madison County Nebraska.

All the property is designated by FEMA as Zone X (.2% annual chance flood hazard), which is outside of the Special Flood Hazard Areas.

The Nebraska State Historic Preservation Office has determined that no historic properties will be affected by the project as proposed and should proceed as planned. Letter dated 9/19/24.

The site will be served by City electric, water and sewer utilities. Current zoning of the site permits duplexes. The city provides potable water to the site and water quality in the area is good. No special wastes will be generated that cannot be treated at the City's wastewater treatment plant.

No displacement of residents is required; the lots to be developed are vacant. The sites are readily accessible for public safety and emergency services.

If the project did not receive tax credits, it is likely that the developer would have allowed the option to purchase the land to expire and it would still be for sale until someone else found a use for it.

Funding Information

Grant Number	HUD Program	Funding Amount
24-OERH-10002	HOME	\$650,000

Estimated Total HUD Funded Amount: \$650,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$7,315,643

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to Federal Aviation Administration (FAA) information accessed at https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=showCircleSearchAirportsForm and http://nepassisttool.epa.gov/nepassist/entry.aspx , there are no civil airport runways within 2,500 feet and no military airports within 15,000 feet of the subject property. As such, the proposed action is in compliance with Airport Hazard regulations and no mitigation measures nor further investigations are warranted. A copy of the Airport Hazards supporting documentation is in Exhibit 16.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to the Coastal Barrier Resource System Mapper accessed at https://www.fws.gov/CBRA/Maps/Mapper.html the subject property is not located within an existing Coastal Barrier Resource System or draft Coastal Barrier Resource System. Therefore, the project is in compliance with Coastal Barrier Resource Systems regulations and no mitigation measures nor further investigations are warranted. See the Coastal Barrier Resources Systems Maps in Exhibit 17.
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 <input type="checkbox"/> <input checked="" type="checkbox"/>	All of the property is designated by FEMA as Zone X (0.2% annual chance flood hazard), which is outside of the Special Flood Hazard Areas (see Exhibit 10). In talking with Kelby Herman, owner of the site, there are no indications of any flooding in the area or the proposed site.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5

<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the U.S. Environmental Protection Agency (EPA) Green Book County-Level Multi-Pollutant Information accessed at https://www3.epa.gov/airquality/greenbook/anayo_ne.html and the NEPAassist Website accessed at www.epa.gov/nepa/nepassist, the subject property is not located within Non-attainment or Maintenance area of the State of Nebraska. Therefore, the proposed undertaking will be in compliance with Clean Air Regulations and the State Implementation Plan, and no mitigation measures nor further investigations are warranted.</p> <p>A copy of the Clean Air supporting documentation is located in Exhibit 1</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management (OCM) accessed at https://coast.noaa.gov/czm/mystate/, the state of Nebraska is not located within a Coastal Management Zone. Therefore, the proposed undertaking has no potential to impact a Coastal Management Zone and no mitigation measures nor further investigations are warranted.</p> <p>A copy of the Coastal Zone Management supporting documentation is located in Exhibit 17</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the Environmental Protection Agency, there are no sites on the Superfund National Priorities List which are on-site of the project location.</p> <p>Letter sent to the Norfolk Fire Department requesting any information about contamination or toxic substances located on or near the property shows a response on 9/12/24 The Norfolk Fire Department does not have any records of any hazardous materials or tanks on or near the site (see Exhibit 4). A letter was received from the State Fire Marshal on 9/18/24. There are no known facts that would impact this project. A list of UST's from the State Fire Marshal indicated no UST's within .25 mile of the site. (Exhibit 5).</p>

		<p>A letter was sent to the Nebraska Department of Health and Human Services -Division of Public Health on 9/4/24. No response received (Exhibit 6).</p> <p>The construction of new homes has the potential for Radon exposure. The construction of these units will include a passive radon evacuation system in accordance with ASTM standards. Upon completion, each unit will be tested for the presence of radon by a Nebraska-certified radon professional. If testing of any unit indicates radon levels above the EPA threshold of 4.0 pCi/l an active mitigation system will be installed per ASTM standards, with post testing by a Nebraska-certified radon professional to verify effective mitigation.</p> <p>The project site includes a group of trees that has been in this state for several decades and is not a previous orchard, nor has this area been sprayed with agriculture chemicals. This area's current and historical use does not present a REC (Recognized Environmental Concern).</p> <p>According to the Phase I Environmental Site Assessment for Benjamin Villas there is no need for additional environmental investigations at this time. There are no FEMA underground storage tank sites within ¼ mile of the site. There are no Recognized Environmental Conditions found for the property. (Phase I report at Exhibit 7)</p> <p>Per the Phase I due to the historic use of the subject property and surrounding properties for agricultural purposes (row crop production and a hay field), there is a potential that agricultural chemicals (fertilizers and herbicides) were applied to the properties. The normal application of agricultural chemicals does not represent a violation of current law. Due to the unknown and/or undocumented factors regarding the application of the chemicals, it is considered as a potential business environment risk.</p> <p>Page 32 of the Phase I indicates 2 abandoned livestock watering tanks which will be removed prior to the start of construction. There is also a natural gas pipeline check valve located along the northeast property line and is not located on the subject property.</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to Nebraska Game and Parks report on 12/11/24 the project is within vicinity of the Northern Long-eared Bat Habitats. No conservation measures are necessary according to the report based on the location of the project site. There are no records of</p>

		<p>state-listed threatened or endangered species in the vicinity of the project.</p> <p>There is a group of trees located on the site. We are within 1000 feet of an existing urban area neighborhood, so the property is considered urban. The only mitigating factor is that trees will not be removed from the property from May 1 thru July 15th. (see Exhibit 8).</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>We obtained and reviewed a list of Aboveground Storage Tanks in Norfolk from the Nebraska Fire Marshal's office. According to the Phase I report dated 10/14/24 and the list of tanks supplied by the Fire Marshal, there is no need for additional environmental investigations at this time. There are no leaking underground storage tanks within ½ mile of the site. There are no FEMA underground storage tank sites within ¼ mile of the site. There are no Recognized Environmental Conditions found for the property. (Phase I report at Exhibit 7)</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Response dated 9/18/24 from Elizabeth Gray, Natural Resources Conservation Service, states the proposed site contains areas of Prime Farmland and Statewide Important Farmland and we have completed the Farmland Conversion Impact Rating form (AD-1006) for the proposed site.</p> <p>The combined rating of the site is 129. The FPPA law states (658.4(c)(2) that sites with a rating less than 160 will need no further consideration for protection and no additional evaluation is necessary. We encourage the use of accepted erosion control methods during the construction of this project. (see Exhibit 9 & 9a).</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>All the property is designated by FEMA as Zone X (0.2% annual chance flood hazard), which is outside of the Special Flood Hazard Areas (see Exhibit 10). The Phase I report (Exhibit 7) indicates that the property is not located in a Special Flood Hazard Area nor in a 0.2% Annual Chance Flood Hazard Area.</p> <p>Response from Nebraska NRD dated 9/18/24 states that there are no potential impacts to jurisdictional dams, floodplain management, registered groundwater wells, stream gages, and surface water rights. See Exhibit 15</p> <p>In talking with Kelby Herman, owner of the site, there are no indications of any flooding in the area or the proposed site.</p>

<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Response received from the Nebraska State Historic Preservation Office dated 9/18/24 states that no historic properties will be affected by the project as proposed (see Exhibit 11).</p> <p>Letters sent by DED to Apache Tribe of Oklahoma, Cheyenne and Arapaho Tribes, Oklahoma, Ponca Tribe and Omaha Tribe on September 27, 2024, requesting comments on tribal lands this project may affect. Comment received from Ponca Tribe on September 27, 2024, requesting an Archeological Survey by the Nebraska State Historical Society. The survey was conducted on October 10, 2024, and included representatives from Mesner Development, Property Owner, City of Norfolk, Dept of Economic Development, History Nebraska and the Ponca Tribe. The survey conclusion indicated that no archeological materials were found. The location is on a sandy upland slope and has low potential for archeological resources. (see Exhibit 12).</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no major roads within 1,000 feet or functioning railways within 3,000 feet of the project site. The edge of the project lot is located approximately 7 miles from the nearest point of the Norfolk Airport runway and therefore clear of the runway protection zone There are no military airfields within 15,000 feet of the project.</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the Sole Source Aquifer layer obtained from EPA NEPAassist accessed at http://nepassisttool.epa.gov/nepassist/entry.aspx, the subject property is not serviced or supplied by a protected aquifer system.</p> <p>A copy of the Sole Source Aquifers supporting documentation is in Exhibit 19.</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the USFWS National Wetlands Inventory Layer accessed at https://www.fws.gov/program/nationalwetlands-inventory/wetlands-mapper, there are no mapped wetland areas on the subject property. In addition, no wetland indicators were observed on the property during UES site investigation. Therefore, there are no suspected wetland areas present at the subject property, and the proposed undertaking will be in compliance with Executive Order (EO) 11990, Protection of Wetlands, as well as the requirements of Federal Register 24 CFR Parts 50 and 55.</p> <p>A copy of the Wetlands Protection supporting documentation is in Exhibit 13.</p>

Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	According to the National Wild & Scenic Rivers website accessed at www.rivers.gov/wildriverslist.html and the Nationwide Rivers Inventory (NRI) accessed at https://www.nps.gov/subjects/rivers/nationwide-riversinventory.htm , there are no Nebraska Wild and Scenic Rivers or NRI segments within one (1) mile of the subject property. Therefore, the proposed undertaking has no potential to impact these resources, and no mitigation measures nor further investigations are warranted. A copy of the Wild and Scenic Rivers supporting documentation is in Exhibit 14.
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Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed, and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list 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
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	<p>The project will be located on property purchased by the developer for the specific purpose of building affordable duplex housing. The site is adjacent to other multi-family housing units, single family residential units and near everyday necessities for residents.</p> <p>The Land is zoned R-1 Conforming, which permits duplex housing. The site is bordered to the north, south, and east agriculture land, to the east by a residential subdivision. There is a grocery store, several medical clinics, and a variety of restaurants and businesses within 1-2 miles of the property.</p>

Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	<p>The property is fairly flat.</p> <p>There are not currently any signs of erosion. The buildings will have sod installed and/or seed planted around them upon completion. Trees will also be planted around the buildings.</p> <p>Soil is suitable for the construction of slab on grade duplexes. Soil testing and engineering report has been completed.</p>
Hazards and Nuisances including Site Safety and Noise	2	<p>Construction barricades will be utilized as required during the construction process.</p> <p>Ambient noise should not affect the project. Construction noise will be limited to normal business hours Monday through Friday. There are residential homes to the west and north which may be in earshot of any construction activity.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	1	<p>Housing is a key component of economic development, especially in terms of encouraging new business (and thus employment opportunities) in the area.</p> <p>New construction always brings opportunities for skilled local workers. The General Contractor will give local sub-contractors the opportunity to bid on the job, but will ultimately select subs based on experience, ability to complete the job in a timely manner, and pricing. No new full-time positions will be created because of the project.</p>
Demographic Character Changes, Displacement	2	<p>With 28 units, Benjamin Villas will not bring any noticeable changes in demographic character to the community.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	<p>The project site is located within an area serviced by Norfolk Public Schools, which can handle the potential increase in students.</p>
Commercial Facilities	1	<p>There are many businesses within 1-2 miles of the site, including grocery stores, shopping, pharmacy, as well as a variety of restaurants and shops.</p>

Health Care and Social Services	2	The project is located within 4 miles of Faith Regional Health Services in Norfolk.
Solid Waste Disposal / Recycling	2	The project site is located within an urbanized area with access to adequate solid waste services.
Waste Water / Sanitary Sewers	2	The project site is located within an urbanized area with access to an adequate municipal wastewater system. The project is located within an urbanized area with access to an adequate municipal storm water system. The contractor will arrange all storm water permits.
Water Supply	2	The project will be served by the municipal water supply.
Public Safety - Police, Fire and Emergency Medical	2	The project is located within an urbanized area with access to adequate municipal policing services. The main police station is approximately 3 miles from the site. The main fire department in Norfolk is approximately 2.7 miles away. The Norfolk Fire Department provides emergency medical services and advanced life support for the community – 911 calls of a medical nature are routed to the fire station. 28 new housing units will not necessitate any additions to the Norfolk Public Safety Services.
Parks, Open Space and Recreation	2	Eldorado Hills Golf Course is 5.7 miles away. Veterans Memorial Park is 1.7 miles away. Veterans Memorial Park is 1.7 miles away. Elkhorn Valley Museum is 3 miles away from the site. Northeast Community College is 2.9 miles away.
Transportation and Accessibility	2	Norfolk Area Transit provides transportation to residents of Norfolk. Service is available Monday through Sunday for a small fee by contacting them at least 24 hours in advance.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	There are no natural water resources on the site. (see Wetlands Map Exhibit 13). There are no unique natural features on the site. The site is surrounded by residential developments and agricultural land. Response received 9/18/24 from the Neb Department of Natural Resources (Exhibit 9) states that are no impacts to jurisdictional dams, floodplain management, groundwater wells, stream gages or surface water rights according to their response.
Vegetation, Wildlife	2	There is minimal vegetation and wildlife on the site. The project will not require the removal of any trees; rather, trees will be added around the buildings and driveways.
Other Factors		

Environmental Assessment Factor	Impact Code	Impact Evaluation
ENERGY		
Energy Efficiency	1	<p>The project will utilize solar energy to increase the energy efficiency for the tenants.</p> <p>The proposed project will utilize Green Energy Standards and use energy efficient appliances where possible. The proposed project will not cause additional emissions or pollutants, or contribute to the community pollution levels</p> <p>The project will work with the Architect and Contractors to use any construction procedures and energy efficient appliances that will utilize clean energy innovations, technology and/or infrastructure techniques.</p>

Additional Studies Performed:

Environmental Site Assessment Phase I is attached as part of the ERR (Exhibit 7).

Field Inspection (Date and completed by):

DED Site Review Completed on 4/15/2024 by DED

Grace Hartley, UES Staff Geologist, October 3, 2024

Ponca Tribe, History Nebraska, DED, City of Norfolk Housing, Owner, Developer October 10, 2024

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

GSI Engineering, LLC – Phase I

HTK Architects

Environmental Protection Agency

City of Norfolk

Norfolk Fire Department

Housing and Urban Development, Coastal Zone Management

Nebraska State Fire Marshal

National Oceanic and Atmospheric Administration

Nebraska Game and Parks Commission

Natural Resources Conservation Service

Federal Emergency Management Agency

Nebraska State Historical Society

Cheyenne and Arapaho Tribes

Apache Tribe of Oklahoma

Omaha Tribe of Nebraska

Ponca Tribe

National Wild and Scenic Rivers System

Department of Health and Human Services

Nebraska Department of Natural Resources

History Nebraska

List of Permits Obtained:**Public Outreach** [24 CFR 50.23 & 58.43]:**Cumulative Impact Analysis** [24 CFR 58.32]:**Alternatives** [24 CFR 58.40(e); 40 CFR 1508.9]

There were limited choices of land in Norfolk, mostly due to price. This was the preferred site of the developer due to its location, size, proximity to infrastructure, and proximity to services and other housing. Other land was available for sale in Schuyler but was not the right size, too far away from roads and utilities, and/or prohibitively expensive for affordable housing.

No Action Alternative: If the project did not receive tax credits, it is likely that the developer would have allowed the option to purchase the land to expire and it would still be for sale until someone else found a use for it.

All the property is designated by FEMA as Zone X (0.2% annual chance flood hazard), which is outside of the Special Flood Hazard Areas.

This was the preferred site of the developer due to its location, size, proximity to infrastructure, and proximity to services. Other land was available for sale in Schuyler but was not the right size, too far away from roads and utilities, and/or prohibitively expensive for affordable housing.

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

None

Summary of Findings and Conclusions:

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all 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
Nebraska Game and Parks Department	<i>No trees will be removed from the site between May 1 and July 15.</i>

Soil Toxicity Conclusions:

The project site includes a group of trees that has been in this state for several decades and is not a previous orchard. The area being developed is unlikely to have been exposed to agricultural chemicals (pesticides or herbicides) due to the area being mostly trees and shrubs. This area's current and historical use does not present a REC (Recognized Environmental Concern).

According to the Phase I Environmental Site Assessment for Benjamin Villas there is no need for additional environmental investigations at this time. There are no FEMA underground storage tank sites within ¼ mile of the site. There are no Recognized Environmental Conditions found for the property. (Phase I report at Exhibit 7)

Per the Phase I due to the historic use of the subject property and surrounding properties for agricultural purposes (row crop production and a hay field), there is a potential that agricultural chemicals (fertilizers and herbicides) were applied to the properties. The normal application of agricultural chemicals does not represent a violation of current law. Due to the unknown and/or undocumented factors regarding the application of the chemicals, it is considered as a potential business environment risk.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: Chris Lenz Date: 03/19/25
Chris Lenz (Mar 19, 2025 16:31 CDT)

Name/Title/Organization: Christopher F. Lenz, Developer, Mesner Development Co.

Certifying Officer Signature: Joseph H. Lauber Date: 03/19/25

Name/Title: Joseph H. Lauber, Deputy Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).


Environmental Assessment


Final Audit Report


2025-03-19

Created:	2025-03-19
By:	Mechele Grimes (Mechele.Grimes@nebraska.gov)
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"Environmental Assessment" History


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