

STATUTORY WORKSHEET

HOME Programs

Minnesota Urban and Rural Homesteading Loan Program (MURL)
HOME Rental Rehabilitation Loan Program (HOME Rental Rehab)

Project Address: _____

Project Description: _____

Estimated Project Cost: _____

Write “**A**” in the Status column when the project, by its nature, does not affect the resources under consideration; OR write “**B**” if the project triggers formal compliance consultation procedures, or requires mitigation. Compliance documentation must contain verifiable source documents and relevant base data.

Statutes, Executive Orders, and Regulations listed at 24 CFR 58.5	Status A/B	Compliance Documentation
Local Zoning Ordinances [MHFA Requirement]		The project is in accordance with local zoning, meaning it is zoned: Multi-family residential for HOME Rental Rehab: <input type="checkbox"/> Yes <input type="checkbox"/> No Single-family residential for MURL: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Documentation.</i>
Historic Preservation [36 CFR Part 800]		The project is on the National Register of Historic Places or is located within a historic district: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached SHPO Letter.</i>
Floodplain Management [24 CFR 55, Executive Order 11988]		The project is located in a FEMA floodplain: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached FEMA Flood Insurance Rate Map (FIRM).</i> If the project is located in a FEMA floodplain, the following information is needed to be in compliance: Flood Insurance Policy: _____
Wetland Protection [Executive Order 11990]		The project is located in a wetland type indicated by the National Wetlands Inventory: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached National Wetlands Inventory Map.</i> If answer is yes: Due to the nature of HOME Rental Rehab and MURL, which are primarily rehabilitation programs, the project is not new construction nor does it require filling, so the project is in compliance.
Coastal Zone Management Act [Section 307(c), (d)]		The project is located in the Lake Superior Coastal Zone Management boundary: <input type="checkbox"/> Yes <input type="checkbox"/> No HOME Rental Rehab and MURL are primarily rehabilitation programs, which mean the project structures already exist. Coastal Zone Management plans are implemented through local ordinances. Therefore, if the project is in compliance with local zoning and, then the project is in compliance with the Coastal Management Plan (Pat Collins, MN DNR Coastal Program Manager May 22 nd , 2006; Cliff Bentley, MN DNR Federal Consistency Coordinator July 12, 2006). Is the project is in accord with local zoning and other ordinances: <input type="checkbox"/> Yes <input type="checkbox"/> No
Sole Source Aquifers [40 CFR 149]		The project is within five miles of Lake Mille Lacs meaning it will affect Minnesota’s only sole source, Mille Lacs Aquifer: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Mille Lacs Aquifer Map.</i>

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Statutes, Executive Orders, and Regulations listed at 24 CFR 58.5 cont'd	Status A/B	Compliance Documentation
Endangered Species Act [50 CFR 402]	A	Due to the nature of HOME Rental Rehab and MURL, which are primarily rehabilitation programs, each project will not require conversion of vacant land, which destroy or adversely modify Critical Habitats. <i>See Attached Documentation.</i>
Wild and Scenic Rivers Act [Sections 7(b), and (c)]		The Project Area is located more than one-mile from the St. Croix River: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, the U.S. Department of Interior and MN DNR have been contacted for an impact resolution and mitigation requirements have been implemented: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Documentation.</i>
Clean Air Act – [Sections 176(c), (d), And 40 CFR 6, 51, 93]	A	Currently all counties in Minnesota are not designated as “nonattainment” by the EPA. Thus, this requirement is not triggered. <i>See Attached “Nonattainment Counties” Map.</i>
Farmland Protection Policy Act [7 CFR 658]	A	Due to the nature of HOME Rental Rehab and MURL, which are primarily rehabilitation programs, each project will not require conversion of vacant land and is located in already developed areas.
Environmental Justice [Executive Order 12898]		The proposed project is suitable for its proposed use, based on the criteria in this statutory worksheet, and will not be adversely impacted by adverse environmental conditions: <input type="checkbox"/> Yes <input type="checkbox"/> No

HUD ENVIRONMENTAL STANDARDS		
Standard	Status A/B	Compliance Documentation
Noise Abatement and Control [24 CFR 51B]		Due to the nature of HOME Rental Rehab and MURL, which are primarily rehabilitation programs, each project already exists nor will each project propose noise sensitive land development [24 CFR 51.101(a)(2)]. The project is within 1,000 feet of a major roadway: <input type="checkbox"/> Yes <input type="checkbox"/> No The project is located within 3,000 feet of a railroad: <input type="checkbox"/> Yes <input type="checkbox"/> No The project in located within an airport noise zone: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes to any of the above, is noise attenuation required to bring indoor noise levels to the acceptable HUD Noise Assessment Guidelines (NAG) standard of 65 dB: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Visual Assessment Made By:</i> _____ <i>Date:</i> _____
Explosive and Flammable Operation [24 CFR 51C]		The project is not located within one-mile of a 100 gallon aboveground tank: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, there a sufficient barrier (natural/manmade) between the tank and the site: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Visual Assessment Made By:</i> _____ <i>Date:</i> _____
Toxic Chemicals and Radioactive Materials [24 CFR Part 58.5(i)(2)]		The project site is known to have had any leaking underground storage tanks: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Documentation from MN DNR Leaking Tank Search.</i> The project site is within 2,000 feet of toxic or hazardous waste landfill or other site: <input type="checkbox"/> Yes <input type="checkbox"/> No The project site is within one mile of an EPA National Priority List Superfund site: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Attached MN DNR “What’s In My Neighborhood” Maps.</i>

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Airport Clear Zones and Accident Potential Zones [24 CFR 51D]	The project is located within 3,000 feet from the end of a civil runway: <input type="checkbox"/> Yes <input type="checkbox"/> No The project is located within 2.5 miles of a military runway: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Documentation.</i>
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Preparer Signature: _____ Date: _____

Preparer Name & Title: _____

For MHFA Use Only

Determination:

- This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (status "A" has been determined in the status column for all authorities); OR
- This project cannot convert to Exempt because one or more statutes or authorities require consultation or mitigation. Complete consultation and/or mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 prior to issuing a proceed to work order; OR
- The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare EA according to 24 CFR 58 Subpart E.

MHFA Signature: _____ Date: _____

MHFA Officer Name & Title: _____

Statutory Worksheet Instructions

Historic Preservation

Does the project involve physical changes or could it cause changes in the character or use of historic properties in the area? Does the project area and environs contain any properties listed on or eligible for the National Register of Historic Places? Is there inventory of historic properties that is maintained by the state? Is there a local historic commission that can provide historic information? What information is available from the State Historic Preservation Officer (SHPO) and has a survey of local historic properties been conducted? Are other properties present within the project boundaries or in the vicinity of the project that appear to be historic? If so, consult with SHPO as to their eligibility for listing on the National Register (NR). Has the Advisory Council on Historic Preservation been given an opportunity to comment on any adverse effects the project will have on properties listed on NR or eligible for listing? Has written confirmation from SHPO that consultation is complete been received? If a Memorandum of Understanding (MOA) or Programmatic Agreement (PA) is required, have SHPO and Advisory Council signed the agreement? Has the project participant signed the agreement?

Floodplain Management

Is the project located in the 100-year floodplain (zones A or V) mapped by the Federal Emergency Management Agency (FEMA)? Is the project a "critical action" located in the 500-year floodplain (zone B) mapped by FEMA? Is the project located in a coastal high hazard area mapped by FEMA? Is the project affected by local flooding? Or will the project involve substantial increase in impervious surface area? If so, does the project design include measures to control water runoff?

Wetlands Protection

Has the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, or U.S. Natural Resources Conservation Service identified wetlands on the project site? Is the proposed project in compliance with conditions set forth by the U.S. Army Corps of Engineers concerning permits for dredge and fill activity?

Coastal Zone Management

Does the project involve rehabilitation, or change of use in or adjacent to a coastal area administered by the state under an approved management program? Is the project consistent with the state's coastal zone management program?

Sole Source Aquifers

Is the project within a Critical Aquifer Protection Area designated by EPA? Or does the project have the potential to contaminate the aquifer?

Endangered Species Act

Determine whether continued existence of Federally-listed endangered or threatened species are likely to be affected by this project, and whether it will result in their Critical Habitats being destroyed or adversely modified.

Wild and Scenic Rivers Act

Determine whether any river listed in the NWSRS, or that is designated for inclusion in the NWSRS, would be directly and adversely affected by development activities associated with the project; and if the project is located above or below a listed river, determine whether the project will impact the river management area or could unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area.

Air Quality

Is the project located in a geographic area in attainment or non-attainment with the National Ambient Air Quality Standard? If in a non-attainment area, does the project conform to the EPA approved state implementation plan (SIP)?

Farmland Protection

Will land be developed because of this project? Has the land been determined to be prime or unique farmland by the USDA Natural Resources Conservation Service? Has the state or local government identified the project area as prime or unique agricultural land?

Environmental Justice

Will project or activities have a disproportionately negative impact on low income and/or minority groups?

Noise Abatement and Control

Does noise impact on new housing sites in excess of HUD's exterior standard 65 DNL or interior level standard of 45 DNL? (Examine major roads within 1,000 feet of project, railroad uses within 3,000 feet and noise contours for airports. Also, examine large point sources as to potential impact on project, if appropriate to nature of project, i.e., large scale parking lots, foundries, metal rendering plants, etc.

Explosive or Flammable Operations

Does the project include development, construction, or conversion of the site or building to another use? Does the project include rehabilitation or modernization of a building that increases residential densities, converts a building for habitation, or makes a vacant building habitable? Are there aboveground storage tanks (more than 100 gallons in size) within one mile of the project site? Are the tanks within line of sight or is there a barrier (natural or manmade) between them and the project site?

Hazardous Materials, Chemicals, and Radioactive Substances

Is the site contaminated with hazardous substances and/or radioactive materials that could affect the health and safety of the occupants or conflict with the intended utilization of the property? Is the project within one mile of a National Priority List (NPL) "Superfund" site; or 2,000 feet of a State hazardous materials site, landfill, other known toxic site, or facilities that treat, store and dispose of hazardous substances? What is the nature of the hazardous material? What is the pathway for human exposure? Is mitigation required?

Airport Clear Zones and Accident Potential Zones

Is the project within 3,000 feet of a civilian airport that is regulated by the Federal Aviation Administration (FAA), or 2-1/2 miles of a military airfield? Is the project located within a designated Airport Clear Zone or Runway Clear Zone?