

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Update Date	Updated By	Start Date	Deadline Date	End Date	Justification
05/28/2026	Mike Tobias	05/28/2026	05/28/2027		Start Date Set

Project Name: West-Transit-Village-I

HEROS Number: 900000010535860

Start Date: 05/28/2026

Estimated End Date: 05/28/2027

Actual End Date:

Responsible Entity (RE): MINNESOTA HOUSING FINANCE AGENCY, 400 Sibley St
Saint Paul MN, 55101

RE Preparer: mike tobias

State / Local Identifier: D8705

Certifying Officer: James Lehnhoff

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

By checking this box, I attest that as a consultant, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

Project Location: 2905 2nd Street SW, Rochester, MN 55902

Additional Location Information:

See attached Location Map

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

West Transit Village Phase 1 will be a new construction, 100% affordable housing apartment building exclusively serving a 55-plus resident population and their families. The development is located along the 2nd St SW commercial corridor of Rochester, Minnesota at 2905 2nd St SW. The building will have four residential floors and one level of underground parking beneath, and will include 75 units affordable at 30% and 50% of Area Median Incomes (AMI). The proposed development is located on a 1.49-acre parcel within the West Transit Village (WTV) redevelopment, a multi-phased, transit-oriented, master-planned development site within the boundaries of the Destination Medical Center (DMC) district of Rochester.

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

In 2020, Maxfield Research & Consulting completed a Comprehensive Housing Needs Analysis for Olmsted County. This analysis found demand for over 2,000 affordable and subsidized units through 2030. The Analysis also identified that senior housing was an acute need across service levels and affordability. For affordable/ subsidized senior housing, demand by 2030 is about 1,100 units. The current affordable senior housing stock of 893 units had a 1.1% vacancy rate in 2020, suggesting significant unmet demand. Beyond analysis of the housing market, the need for affordable housing has been established through the planning and engagement process associated with Rochester's Planning 2 Succeed 2040 Comprehensive Plan. Within the Plan's Policy on Affordable Housing and Diversity, Rochester commits to supporting low income tax credit housing in locations that are accessible to employment, neighborhood amenities, and commercial services. These policies were implemented

after extensive community engagement and the passage of the plan by local elected officials.

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

The subject property consists of one (1) 1.49-acre rectangular-shaped parcel located at the intersection of 2nd Street SW and the future 28th Street in the City of Rochester. The subject property is currently a surface parking lot that was constructed by the Mayo Clinic around 2005 for employee parking. The Mayo Clinic's four-story parking ramp is under construction adjacent to the subject site and the City's LINK BRT project will soon be as well, including site-wide infrastructure and new roads. This will be ongoing over the next 18-24 months. The Link BRT project will begin grading the site for the additional public streets, a bus station, and additional infrastructure in anticipation of being fully operational at the end of 2026. The location of Aeon's West Transit Village phase I is one of its most important assets. As part of a multi-phase master-planned development, it will be connected to some of the largest economic and transit investments in Rochester due to this development's location along the Link BRT corridor, an all-day free electric transit service that will connect the West Transit Village to St. Mary's Hospital and downtown Rochester toward the end of 2026. For WTV residents, this will provide safe, convenient, and fast transportation to some of the best hospitals and healthcare in the world. Additionally, residents will be able to easily access the larger community, including parks, businesses, services, and events held downtown.

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

[AeonWTV - Aerial01.pdf](#)

[Location Map - West Transit Village.pdf](#)

[WTV1_photos memo.pdf](#)

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:

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
TBD	Housing: Multifamily FHA	Section 542(c). Multifamily Mortgage Risk-Sharing Programs with Housing Finance Agencies	\$7,907,000.00

Estimated Total HUD Funded, Assisted or Insured Amount: \$7,907,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$36,005,377.00

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. The closest airport is the Rochester Airport (civil airport), located approximately 6.7 miles to the south of the subject site. See attached map.
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. See attached figure depicting the subject property location and the location of the Coastal Boundary in Minnesota along the North Shore of Lake Superior.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance	☐ Yes ☒ No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood

Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]		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. 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. The subject property is not located within a FEMA-designated special flood hazard area. Review of the Olmsted County (All Jurisdictions) FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 27109C0144F dated 4/19/2017, indicates that the subject property is located in Zone X; defined as 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. See attached Firmette.
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 non-attainment status for the following: Sulfur dioxide, Particulate Matter, <10 microns. This project does not exceed de minimis emissions levels or the screening level established by the state or air quality management district for the pollutant(s) identified above. The project is in compliance with the Clean Air Act. As a commitment to sustainability and innovative financing, The project is incorporating fan coil geothermal technology and solar arrays into this project in an attempt to reach Tier 2 and 3 Enhanced Sustainability levels. The developer has been working with Housing Sustainability Advisors, a national technical assistance provider and solar developer, and our design

		team that includes experts in sustainable development, to model how to optimize the system sizing and financing mix related to these high-performing systems.
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. The Minnesota Coastal Management Program was approved by NOAA in 1999 and consists of a network of agencies and programs led by the Department of Natural Resources. Key legislation includes the Shoreland Management Act and the North Shore Management Plan. Minnesota's coastal zone includes the area approximately six miles inland from Lake Superior, following the nearest township boundaries along the shore.
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. Two above-ground tanks are located approx. 1,950 feet from the site at the Rochester country Club south-southwest of the subject site. These are a 300 gallon and 560 gallon fuel tanks serving the maintenance equipment at the golf course. The acceptable separation distance for the tanks are 167 feet and 217 feet respectively.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	☐ Yes ☒ No	This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. The project site is in a fully urbanized area and there is no habitat present in the project site for the

		species on the IPaC list. The proposed project activities will not jeopardize the continued existence of any listed species. Therefore, the project is compliant with Section 7 requirements.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	☐ Yes ☒ No	There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The Phase I EAS noted two above-ground storage tanks (ASTs) at the Rochester Golf Course located approximately 1,950 feet from the subject site. These ASTs include a 300 gallon diesel fuel tank and a 560 gallon fuel tank. the calculates separation distances are 168 feet and 217 feet respectively. The project is in compliance with explosive and flammable hazard requirements.
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.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	☐ Yes ☒ No	This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	☐ Yes ☒ No	Based on Section 106 consultation, there are No Historic Properties Affected because the project will have no effect on the historic properties that are present. A Phase I Cultural Literature Review was prepared by Merjent. A summary of the report indicates that one archaeological site, one historic cemetery, and one historic building were identified within the Study Area; none of these previously identified resources intersect the Project Area. MnModel4 indicates that the general area around the Study Area has a high site potential but has been well surveyed. While the Project Area could contain precontact sites given its

		location near water sources, given the degree of disturbance that took place during initial construction of the surface lot, it is unlikely that the Project Area contains intact cultural resources. Because the Project is located in an area that has been subject to previous disturbance and the lack of sites in the Study Area, Merjent recommends no survey required ahead of Project construction. Based on the initial review of this proposed federal undertaking, we have reached a finding for this project that no historic properties will be affected by the undertaking as currently proposed. 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: 63 dB. See noise analysis. The project is in compliance with HUD's Noise regulation. The source of the noise constituting the 63dB result is entirely from the road traffic along Country Club Rd W. See attached DNL calculator tool.
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. Review of the USEPA Sole Source Aquifer (SSA) map identified the Mille Lacs SSA as the only SSA in Minnesota. The Mille Lacs SSA is located 150 miles NW of the West Transit Village. See attached EPA Sole Source Aquifer map
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	☐ Yes ☒ No	The project will not impact 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. Review of the Nationwide Rivers Inventory (NRI) map identified the St. Croix River as the only NWSRS river in Minnesota. The St. Croix River is located approximately 50 miles north of the subject site. The NRI map depicting

		the project site and the St. Croix River location is attached. The Cannon River is located 44 miles NE of the site and is considered a state designated scenic river. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		

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	2	The new construction will be subject to state and local ordinances and will be in compliance with the City's Zoning and the City's Focused Area Plan.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	According to the Phase I ESA and the USDA Soil Survey Report the soil type is suitable for the proposed development. No slope erosion, drainage, or storm water issues are present on the Subject Property. The	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		proposed project site is generally flat. Storm water runoff from the project site will be properly managed during the construction. All rules and regulations will be followed per the State and Municipal Erosion and Sediment Control requirements	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The project will not be affected by any natural or man-made hazards, nuisances, and will not be a noise generating facility. Airport Hazards, contamination and toxic substances, explosive and flammable hazards, and noise have been evaluated. The nearest airport is located over six miles from the project site and is not considered a hazard nor will it affect the noise at the property. The Phase 1 Report completed by Braun concludes that no recognized environmental conditions exist at the site. Contamination and Toxic substances requirements after excavation and removal of unsuitable debris and soils. Noise during construction will only have a minimal impact. Any noise pollution will be adequately attenuated through building design and the materials used.	
SOCIOECONOMIC			
Employment and Income Patterns	2	The project will lead to an increase in temporary construction jobs during project construction and a small increase in permanent employment opportunities in the management and maintenance of the property. The project will not displace any existing jobs	
Demographic Character Changes / Displacement	2	Area demographics should not change due to the project's development and the neighborhood character should be positively impacted. There is a documented need for additional affordable housing in the area.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	The existing educational facilities are accessible and satisfactory. The site is located within the city of Rochester with ample and sufficient educational	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		entertainment and cultural resources available within a mile of the proposed project.	
Commercial Facilities (Access and Proximity)	2	The property is in proximity to retail, supermarkets, and several local businesses (1-3 miles). The retail services and commercial services located in proximity to the project site are adequate and accessible.	
Health Care / Social Services (Access and Capacity)	2	There are multiple clinics and health care facilities within two miles of the proposed project, with the major medical facility being the Mayo Clinic system in downtown Rochester.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The Rochester municipal utility will service the project for water/sewer and garbage/recycling. The utility has the capacity to service the proposed project.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	The Rochester municipal utility will service the project for water/sewer and garbage/recycling. The utility has the capacity to service the proposed project.	
Water Supply (Feasibility and Capacity)	2	The Rochester municipal utility will service the project for water/sewer and garbage/recycling. The utility has the capacity to service the proposed project.	
Public Safety - Police, Fire and Emergency Medical	2	This project will have access to public safety. Public safety services are provided by the Rochester Police and Fire departments, both within one mile of the site. The closest hospital (Mayo Clinic) is two miles northeast of the property.	
Parks, Open Space and Recreation (Access and Capacity)	2	There are several parks, open spaces and recreational facilities located throughout the City of Rochester.	
Transportation and Accessibility (Access and Capacity)	2	Ample roads, walkways and public transportation is available throughout the City of Rochester. The subject property will be adjacent to a newly constructed bus transportation link connecting to the downtown Rochester area and beyond.	
NATURAL FEATURES			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Unique Natural Features /Water Resources	2	There is no impact anticipated. Based on the Phase I ESA, a review of Wild and Scenic Rivers, review of Wetland inventory map, and review of the site location via Google Earth there are no locally unique natural features or water resources located on or near the project site.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	There is no impact anticipated. Based upon the IPAC review, the proposed new construction project will have no impact upon critical habitats for endangered or threatened species nor upon migratory birds. The project is not anticipated to disturb or destroy existing wildlife habitats or create hazards for animal life. The proposed project will not negatively impact air quality	
Other Factors 1			
Other Factors 2			
ENERGY			
Energy Efficiency	2	Site The project site is located near transit, shopping, and services. - o Transit - Public transit is available at the Site. - o Shopping - The project is approximately 1 mile from large shopping areas. - o Services - The project is approximately 1-3 miles from local services. - o Schools - The project is approximately 2 miles from local schools. - o Employment locations - The project is located within one mile of several employers and within two miles of downtown Rochester. Energy Efficiency: The project will install Energy Star appliances, lighting fixtures, or heating, cooling, and hot water systems. The project will also include programmable thermostats and insulated hot water pipes. The project is being reviewed through the MN SB 2030 tracking tool and is implementing strategies. Geothermal. Featuring one Darcy well, a two-pipe, fan coil system with a central pump, and individual, electric-only heat pumps that will provide both heating	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		and cooling for each residential unit, Aeon's WTV phase 1 development will avoid the emissions related to standard natural gas-based HVAC systems (its reduced carbon footprint comes with energy savings. Solar. Aeon also intends to maximize the benefits of solar, including solar arrays on our building's roof and site at approximately 156 kW. Aeon has experience utilizing solar and are modeling what is possible conservatively. This solar power is projected to be able to cover approximately up to 20% of our building's common area load.	

Supporting documentation**Additional Studies Performed:**

West Transit Village Phase I Cultural Resource Review; Phase I Environmental Site Assessment WTV-Braun Intertec;

Field Inspection [Optional]: Date and completed by:

[WTV1_photos memo.pdf](#)

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

U.S. Department of the Interior Fish & Wildlife Service's National Wetlands Inventory (NWI) Map; National Wild and Scenic River System website; ; Phase I Environmental Site Assessment by Braun Intertec (Phase I ESA); AEON; Google Maps; EDR NEPA Search Map Report United States Environmental Protection Agency; Coastal Barrier Resources System; Federal Emergency Management Agency; US Department of the Interior Sole Source Aquifers; US Fish and Wildlife iPac system and NEB Determination key; Architectural permit set prepared by LSE Architects; MNDOT Average Daily Traffic Map; Federal Railroad Administration Crossing Inventory Form; Minnesota State Historic Preservation Office.

List of Permits Obtained:

Standard municipal permits for new construction of multifamily residential developments.

Public Outreach [24 CFR 58.43]:

A Notice of Section 106 review was published in the Rochester Post Bulletin Tribune on 6/9/2026. The combined NOI-RROF/FONSI notice was posted on Minnesota Housing's website on 8/10/2026 and was emailed to the following organizations: Minnesota Environmental Partnership, Environment Minnesota, Conservation Minnesota, Environmental Initiative, Minnesota Center for Environmental Advocacy, EPA Region 5, and the Rochester Historic Preservation Commission on 8/10/2026.

[TDAT_Report WTV1.xlsx](#)
[106 Review Rochester Post Bulletin AFFIDAVIT.pdf](#)

Cumulative Impact Analysis [24 CFR 58.32]:

West Transit Village I is a proposed senior affordable apartment building that will be located in the city of Rochester approximately two mile southwest of the downtown in an established residential and commercial neighborhood. The need for affordable housing has been established through the planning and engagement process associated with Rochester's Planning 2 Succeed 2040 Comprehensive Plan. Within the Plan's Policy on Affordable Housing and Diversity, Rochester commits to "supporting low income tax credit housing in locations that are accessible to employment, neighborhood amenities, and commercial services". These policies were implemented after extensive community engagement and the passage of the plan by local elected officials. Significant investment in public transportation will enhance access to and from this site with stops adjacent to the Property. Assessing all the information collected during the Part 58 environmental review, the development of this property will not have a negative impact on the surrounding environment or resources.

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

There are no definitive alternatives known at this time for the site. Alternatives could include choosing another site for this redevelopment; or do nothing and let the property remain vacant/underutilized. The infill site is ideal for redevelopment based on its location.

No Action Alternative [24 CFR 58.40(e)]

No action would mean not constructing the project. According to the market study, there is a great need for affordable housing in the area, and there is also a lot of city support for the project. If there is no action taken, the current buildings on the property would continue to degrade and pose a physical risk to anyone entering the property. The vacant buildings would likely attract trespassers and be a location for increased crime in the neighborhood.

Summary of Findings and Conclusions:

Overall, the project will benefit the surrounding neighborhood by providing new units of affordable housing, which are greatly needed in the Rochester community. Not only are all additional housing units needed, but the proposed project will provide a beneficial range of unit sizes, affordability levels, and will include units for special populations. Although the project is higher-density than the current surrounding land uses, the project is consistent with the City of Rochester's long-range Land Use Plan. As a result, no changes to the project are necessary to avoid significant impacts. The project has been designed to add an attractive affordable housing option to the community and the project is supported by the city. West Transit Village Apartments will help fill a strong need for affordable and deep subsidy housing, as evidenced by a very low vacancy rate (2.7%) and waitlists at comparable properties. Job growth in Rochester will continue to be driven by the Destination Medical Center economic development initiative with 12,434 new jobs projected to be added between 2019 and 2030.

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

Summarized below are 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 or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Contamination and Toxic Substances	Following construction completion, post-construction radon testing shall be completed, followed by mitigation if necessary. The radon evaluation and proof of any required mitigation when complete shall be provided.	N/A	The project developer will help ensure that post-construction radon testing is completed and that test results and documentation of any necessary mitigation required is provided.	

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. The closest airport is the Rochester Airport (civil airport), located approximately 6.7 miles to the south of the subject site. See attached map.

Supporting documentation

[Airport Buffer - WTV Rochester.pdf](#)

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. See attached figure depicting the subject property location and the location of the Coastal Boundary in Minnesota along the North Shore of Lake Superior.

Supporting documentation

[Coastal Barrier Resource Map_WTV.pdf](#)

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.

✓ Yes

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

[FEMA Firmette_ West Transit Village.pdf](#)

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. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

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**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. 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. 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. The subject property is not located within a FEMA-designated special flood hazard area. Review of the Olmsted County (All Jurisdictions) FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 27109C0144F dated 4/19/2017, indicates that the subject property is located in Zone X; defined as 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. See attached Firmette.

Supporting documentation

[FEMA Firmette West Transit Village\(1\).pdf](#)

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):

Carbon Monoxide

Lead

Nitrogen dioxide

✓ Sulfur dioxide

Ozone

Particulate Matter, <2.5 microns

✓ Particulate Matter, <10 microns

3. What are the *de minimis* emissions levels (40 CFR 93.153) or screening levels for the non-attainment or maintenance level pollutants indicated above

Sulfur dioxide	50.00	ppb (parts per billion)
Particulate Matter, <10 microns	25.00	µg/m3 (micrograms per cubic meter of air)

Provide your source used to determine levels here:

MPCA Facility Potential Emissions Estimate worksheet

4. Determine the estimated emissions levels of your project. Will your project exceed any of the *de minimis* or threshold emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?

✓ No, the project will not exceed *de minimis* or threshold emissions levels or screening levels.

Enter the estimate emission levels:

Sulfur dioxide	0.00	ppb (parts per billion)
Particulate Matter, <10 microns	0.00	µg/m3 (micrograms per cubic meter of air)

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

Yes, the project exceeds *de minimis* emissions levels or screening levels.

Screen Summary

Compliance Determination

The project's county or air quality management district is in non-attainment status for the following: Sulfur dioxide, Particulate Matter, <10 microns. This project does not exceed *de minimis* emissions levels or the screening level established by the state or air quality management district for the pollutant(s) identified above. The project is in

compliance with the Clean Air Act. As a commitment to sustainability and innovative financing, The project is incorporating fan coil geothermal technology and solar arrays into this project in an attempt to reach Tier 2 and 3 Enhanced Sustainability levels. The developer has been working with Housing Sustainability Advisors, a national technical assistance provider and solar developer, and our design team that includes experts in sustainable development, to model how to optimize the system sizing and financing mix related to these high-performing systems.

Supporting documentation

[EPA Greenbook MN Nonattainment Status by County Eff 11 30 24.pdf](#)

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. The Minnesota Coastal Management Program was approved by NOAA in 1999 and consists of a network of agencies and programs led by the Department of Natural Resources. Key legislation includes the Shoreland Management Act and the North Shore Management Plan. Minnesota's coastal zone includes the area approximately six miles inland from Lake Superior, following the nearest township boundaries along the shore.

Supporting documentation[Coastal Zone Map_WTV.pdf](#)**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)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

1. How was site contamination evaluated?* Select all that apply.

☒ ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

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:

Braun Intertec Corporation (Braun Intertec) conducted a Phase I Environmental Site Assessment (ESA) of the above-referenced property (Site). The objective of the Phase I ESA was to identify recognized environmental conditions in connection with the Site and to assist in satisfying All Appropriate Inquiries (AAI) standards and practices. The Phase I ESA was conducted in general conformance with the scope and limitations of ASTM International (ASTM) Practice E1527-21 and 40 Code of Federal Regulations (CFR) Part 312. This assessment has revealed no recognized environmental conditions, controlled recognized environmental conditions, or significant data gaps in connection with the Site.

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. Two above-ground tanks are located approx. 1,950 feet from the site at the Rochester country Club south-southwest of the subject site. These are a 300 gallon and 560 gallon fuel tanks serving the maintenance equipment at the golf course. The acceptable separation distance for the tanks are 167 feet and 217 feet respectively.

Supporting documentation

[West Transit Village AST Distance.pdf](#)

[National Pipeline Map.pdf](#)

[Acceptable Separation Distance AST West Transit Village .pdf](#)
[Phase I ESA_WTV1 Rochester_4_28_26.pdf](#)

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 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

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

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

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.

2. Are federally listed species or designated critical habitats present in the action area?

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

- ✓ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

Document and upload all documents used to make your determination below. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. The project site is in a fully urbanized area and there is no habitat present in the project site for the species on the IPaC list. The proposed project activities will not jeopardize the continued existence of any

listed species. Therefore, the project is compliant with Section 7 requirements

Screen Summary**Compliance Determination**

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. The project site is in a fully urbanized area and there is no habitat present in the project site for the species on the IPaC list. The proposed project activities will not jeopardize the continued existence of any listed species. Therefore, the project is compliant with Section 7 requirements.

Supporting documentation

[IPaC Species List MN-WI Field Office.pdf](#)
[IPaC MN WI Determination Key.pdf](#)
[IPaC Det Key TRI CLR BAT RW.pdf](#)
[Critical Habitat - Rochester Area WTV.pdf](#)
[Species List MN-WI Eco Services Field Office.pdf](#)

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

☒ Yes

4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?

✓ Yes

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

No

Screen Summary

Compliance Determination

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The Phase I EAS noted two above-ground storage tanks (ASTs) at the Rochester Golf Course located approximately 1,950 feet from the subject site. These ASTs include a 300 gallon diesel fuel tank and a 560 gallon fuel tank. the calculates separation distances are 168 feet and 217 feet respectively. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

[West Transit Village AST Distance\(1\).pdf](#)

[National Pipeline Map\(1\).pdf](#)

[Acceptable Separation Distance AST West Transit Village \(1\).pdf](#)

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

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:

The project is in the city limits of Rochester, MN.. The site is a developed urban area.

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.

Supporting documentation

[WTV_Urban Areas Map.pdf](#)

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 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

✓ No

2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.

Yes

Describe:

✓ No

3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information¹ to determine flood elevation. Include documentation and an explanation of why this is the best available information² for the site. Note that newly constructed and substantially improved³ structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

- ✓ FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

¹ Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

² If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

³ Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

Yes

✓ No

Screen Summary

Compliance Determination

This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.

Supporting documentation

[FEMA Firmette_ West Transit Village\(2\).pdf](#)

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)].

No, because the project consists solely of activities covered by the ACHP's PROGRAM COMMENT ON CERTAIN HOUSING, BUILDING AND TRANSPORTATION UNDERTAKINGS, as demonstrated in the ACHP PC Checklist.

✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

✓ State Historic Preservation Offer (SHPO) Completed

✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

✓ Apache Tribe of Oklahoma	Completed
✓ Cheyenne and Arapaho Tribes, Oklahoma	Completed
✓ Flandreau Santee Sioux Tribe of South Dakota	Completed
✓ Fort Belknap Reservation of Montana	Completed
✓ Iowa Tribe of Kansas and Nebraska	Completed
✓ Lower Sioux Indian Community	Completed
✓ Menominee Indian Tribe of Wisconsin	Completed
✓ Prairie Island Indian Community in Minnesota	Completed
✓ Santee Sioux Nation, Nebraska	Completed
✓ Spirit Lake Tribe North Dakota	Completed
✓ Upper Sioux Community, Minnesota	Completed

✓ Other Consulting Parties

✓ Rochester Historic Preservation Commission	Completed
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Describe the process of selecting consulting parties and initiating consultation here:

HUD's TDAT system was used to generate a list of Tribes to contact. A Notice of Section 106 review was published in the Rochester Post Bulletin to the public and interested parties.

Document and upload all correspondence, notices and notes (including comments and

objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

Yes

No

Step 2 – Identify and Evaluate Historic Properties

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

See APE delineation in SHPO Request for Review Packet attached

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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Additional Notes:

MN SHPO reviewed the Phase Ia literature search letter report that was prepared for this project: AEON and WTV1 LLLP West Transit Village Project, Phase Ia Cultural Resources Assessment by Lacy Lepisto of Merjent on April 30, 2026. There is one property over 45 years old within the APE: the Recreation Building (OL-ROC-00661) at 2700 Country Club Rd SW, identified during a 2021 federal project; no further research was warranted at that time. We agree that no further research on that property is warranted for this project. We agree that an archaeological survey is not needed, but implementation of the Unanticipated Discoveries Plan is an appropriate precaution. Based on the results of the assessment, MN_SHPO has determined that a finding of No Historic Properties Affected is appropriate for this undertaking.

2. **Was a survey of historic buildings and/or archeological sites done as part of the project?**

✓ Yes

Document and upload surveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological

Investigations in HUD Projects.

Additional Notes:

No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

✓ No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

No historic properties present.

✓ Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation, there are No Historic Properties Affected because the project will have no effect on the historic properties that are present. A Phase I

Cultural Literature Review was prepared by Merjent. A summary of the report indicates that one archaeological site, one historic cemetery, and one historic building were identified within the Study Area; none of these previously identified resources intersect the Project Area. MnModel4 indicates that the general area around the Study Area has a high site potential but has been well surveyed. While the Project Area could contain precontact sites given its location near water sources, given the degree of disturbance that took place during initial construction of the surface lot, it is unlikely that the Project Area contains intact cultural resources. Because the Project is located in an area that has been subject to previous disturbance and the lack of sites in the Study Area, Merjent recommends no survey required ahead of Project construction. Based on the initial review of this proposed federal undertaking, we have reached a finding for this project that no historic properties will be affected by the undertaking as currently proposed. The project is in compliance with Section 106.

Supporting documentation

[West Transit Village Phase Ia Cultural Resources Review_04302026_final.pdf](#)
[SHPO Notice of Section 106 Review for Consulting Parties_WTV Phase I.docx](#)
[SHPO Review Packet_West Transit Village I.pdf](#)
[SHPO Response Letter_no impact.pdf](#)
[Phase Ia Archaeological Assessment Guidance.pdf](#)
[106 Review Rochester Post Bulletin AFFIDAVIT\(1\).pdf](#)

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 1972 General 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: 63

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: 63

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: 63 dB. See noise analysis. The project is in compliance with HUD's Noise regulation. The source of the noise constituting the 63dB result is entirely from the road traffic along Country Club Rd W. See attached DNL calculator tool.

Supporting documentation

[Vehicle Count Exponential Growth Model - WTV.xlsx](#)
[Daily traffic Counts DNL.pdf](#)

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. Review of the USEPA Sole Source Aquifer (SSA) map identified the Mille Lacs SSA as the only SSA in Minnesota. The Mille Lacs

SSA is located 150 miles NW of the West Transit Village. See attached EPA Sole Source Aquifer map

Supporting documentation

[Sole Source Aquifer Lk Mille Lacs_WTV.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 requires avoiding to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands, and avoiding actions that directly or indirectly support new construction in wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory must be used as a primary screening tool, but observed or known wetlands not delineated on NWI maps must also be evaluated.	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 24 CFR 55.10 and referenced in Executive Order 11990? The term "new construction" shall include grading, clearing, draining, dredging, channelizing, filling, diking, impounding, and related activities for any structure or facilities, including the siting of new manufactured housing units.

No

✓ Yes

2. Will the new construction activities directly impact an onsite 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, prairie potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid fill roadbeds and activities such as mineral extraction and navigation improvements. This definition includes both wetlands subject to and those not subject to Section 404 of the Clean Water Act as well as constructed wetlands.

✓ No, an onsite wetland will not be directly impacted by new construction activities, as defined in 24 CFR 55.10.

Yes, there is an onsite wetland that will be directly impacted by new construction activities, as defined 24 CFR 55.10.

3. Will the proposed project indirectly affect wetlands by modifying the flow of stormwater, releasing pollutants, or otherwise changing conditions that contribute to wetlands viability?

Yes, wetlands may be indirectly affected by changing conditions that contribute to wetlands viability.

- ✓ No, wetlands will not be indirectly affected by changing conditions that contribute to wetlands viability.

4. Will the proposed project indirectly affect off-site wetlands?

Yes, off-site wetlands may be indirectly affected.

- ✓ No, off-site wetlands will not be indirectly affected by changing conditions that contribute to wetlands viability.

Screen Summary

Compliance Determination

The project will not impact wetlands. The project is in compliance with Executive Order 11990.

Supporting documentation

[Wetland Inventory Map_WTV.pdf](#)

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. Review of the Nationwide Rivers Inventory (NRI) map identified the St. Croix River as the only NWSRS river in Minnesota. The St. Croix River is located approximately 50 miles north of the subject site. The NRI map depicting the project site and the St. Croix River location is attached. The Cannon River is located 44 miles NE of the site and is considered a state designated scenic river. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[Wild and Scenic Rivers - South MN.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

