

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

Project Information

Project Name: BCHA-Dakota-II-Redevelopment

HEROS Number: 900000010259966

Responsible Entity (RE): BISMARCK, PO Box 5503 Bismarck ND, 58506

RE Preparer: Maureen Mungai

State / Local Identifier: Bismarck

Certifying Officer: Ben Ehreth

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 215 W Bowen Ave, Bismarck, ND 58504

Additional Location Information:

The project involves demolition of a series of 3 buildings located in a cul-de-sac and development of an empty lot. 1. 215 West Bowen Avenue Bismarck, Burleigh County, ND 58504 (0642-001-040) Burleigh Housing Addition, Block 1, Lot 9 to the City of (21,238 Sq. ft.) 2. 419 S. Washington St, Bismarck ND 58504 (0642-001-010), Block

1, Lot 3 (19,153 Sq. ft.) 3. 423 S Washington St, Bismarck ND 58504 (0642-001-005),
Block 1, Lot 2 (20,009 Sq. ft.) 4. 415 S. Washington St, Bismarck ND 58504 (0642-001-
015), Block 1, Lot 4 (21,071 Sq. ft.)

Direct Comments to: Community Development Department
Planning Division
221 North 5th Street
Bismarck, ND 58506

Mmungai@bismarcknd.gov or Planning@bismarcknd.gov

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

Burleigh County Housing Authority (BCHA) is partnering with Beyond Shelter, Inc. (BSI) to develop Dakota II Apartments and Townhomes (Dakota II Redevelopment). Dakota II Redevelopment will include abatement and demolition of an existing public housing site owned and operated by BCHA and replacing with 34 newly constructed rental units. Once demolition is complete the site will be raised out of the 100-year flood plain with fill. The demolition of the Cul-de-Sac apartments (17 units) and the new construction of the project (34 units) will increase the much-needed affordable housing stock in Bismarck. The redevelopment site is located at 215 W. Bowen Avenue, Bismarck, ND. Financing will include Low Income Housing Tax Credit equity, Housing Trust Fund, Capital Fund Program, CDBG, Affordable Housing Program, and a bank loan. The Dakota II Apartments will consist of a three-story building with twenty (20) one-bedroom apartments for individuals 62 and better. Four (4) of the one-bedroom apartments will be fully disabled/universally accessible. Dakota II Townhomes will feature fourteen (14) two-bedroom townhome units, in three buildings. The townhomes will be marketed for general occupancy, to serve families or qualified individuals. The townhome component will include three (3) accessible single-story units and the remaining townhome units will be two stories. As part of the demolition and new construction, the 17 units in the Cul-De-Sac apartments will be repositioned from public housing units to a project-based vouchers units. Dakota II Apartments will have project-based vouchers for all units. Construction of Dakota II Apartments is scheduled to begin in the Spring of 2023.

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

Burleigh County Housing Authority (BCHA) is partnering with Beyond Shelter, Inc. (BSI) to develop Dakota II Apartments and Townhomes (Dakota II Redevelopment). Dakota II Redevelopment will include abatement and demolition of an existing public housing site owned and operated by BCHA and replacing with 34 newly constructed rental units. Once demolition is complete the site will be raised out of the 100-year flood plain with fill. The demolition of the Cul-de-Sac apartments (17 units) and the new construction of the project (34 units) will increase the much-needed affordable housing stock in Bismarck. The redevelopment site is located at 215 Bowen Avenue W, Bismarck, ND. Financing will include Low Income Housing Tax Credit equity, Housing Trust Fund, Capital Fund Program, CDBG, Affordable Housing Program, and a bank loan. The Dakota II Apartments will consist of a three-story building with

twenty (20) one-bedroom apartments for individuals 62 and better. Four (4) of the one-bedroom apartments will be fully disabled/universally accessible. Dakota II Townhomes will feature fourteen (14) two-bedroom townhome units, in three buildings. The town homes will be marketed for general occupancy, to serve families or qualified individuals. The townhome component will include three (3) accessible single-story units and the remaining townhome units will be two stories. As part of the demolition and new construction, the 17 units in the Cul-De-Sac apartments will be repositioned from public housing units to a project-based vouchers units. Dakota II Apartments and Townhomes will have project-based vouchers for all units. Construction of Dakota II Apartments and Townhomes is scheduled to begin in the Spring of 2023.

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

The 3 existing buildings were constructed in 1971 using HUD public housing funds, the structures are functionally obsolete. The project will construct affordable housing that will also serve the homeless and elderly. Bismarck has a shortage of affordable housing and permanent supportive housing to support the homeless. According to HUD's Fair Market Rent, a 2-bedroom apartment in Bismarck is \$880. To afford this level of rent and utilities without being cost burdened, a household must earn \$2,934 a month. A minimum wage employee would need to work for 405 hours per month to afford housing. It is estimated that the state has a shortage of 13,000 affordable rental units for extremely low-income households. The new construction will add new affordable housing units and offer other supportive services needed by the homeless and elderly members of the community. BCHA 4-unit building is located to the north of the site property, with West Bowen Avenue, BMCC, and other commercial properties located further to the north. BCHA apartments and hi-rise apartment border to the east of the Site property, with S. 2nd Street and commercial properties located further to the east. BCHA 2-story apartments border to the south of the Site property, with apartment buildings, W. Indiana Avenue and other commercial properties located further to the south. Two BCHA 4-unit buildings are located to the west of the site property, with S. Washington Street further to the west.

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

[BP3 .pdf](#)

[Aerial Map Project Area.pdf](#)

[Aerial Map.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:

[Signaturepage.pdf](#)

**7015.15 certified by Certifying Officer
on:**

**7015.16 certified by Authorizing Officer
on:**

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
B-21-MC-38-0003	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)
NDFHA	Community Planning and Development (CPD)	Other CPD Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$841,350.60

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$11,752,924.00

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 proposed project is 8,900 feet from the airport (see attached map).

<p>Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.</p>
<p>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements. Letter of Map Revision Based on Fill (LOMR-F) will be requested from Federal Emergency Management Agency (FEMA). The proposed new buildings will be elevated so that the lowest habitable floor is 2 feet above the Base Flood Elevation (BFE) in accordance with the requirements of the City of Bismarck Floodplain Overlay District. FEMA was notified September 19, 2022 by certified mail.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5</p>		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. There are no nonattainment</p>

		areas identified in North Dakota as per EPA' s Greenbook (September 31 2022).
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. According to the City of Bismarck Fire Department, there are no above ground tanks within a mile of the projects identified. The closest above ground tanks (outside the 1-mile buffer) can be found at Modern Machine Works (welding machine shop), Prairie Farms Land o Lakes (cream, buttermilk and milk processing plant), CHI St. Alexius Medical Center (hospital, clinic) and Sanford Powerhouse (indoor batting and training center).
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. Review of historical aerial photographs indicated the site as vacant undeveloped farmland in the 1938, 1957, 1959, & 1961 aerial photographs. The 1976 through the 2020 aerial photographs indicate the development

		<p>of BCHA housing around the site with the construction of the current 3 buildings on the site in 1971. Overall, the site has remained undeveloped. No other aerial photographs were available for the site property. See attached periodic aerial pictures from 1957 through 2021.</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988. An early public notification was published in the Bismarck Tribune, the local and regional paper, on August 2, 2022 for a 15 day comment period. No comments were received from the public. The City of Bismarck's Floodplain Administrator was contacted concerning mitigation requirements of the National Flood Insurance Program (NFIP) and the City's Floodplain Overlay District (the local ordinance that was implemented as part of the City's participation in the NFIP). It should also be noted that the City of Bismarck requires buildings to be constructed with the lowest habitable floor (including utilities and equipment) two feet above the base flood elevation (BFE), which is more restrictive than the State of North Dakota's requirement of one foot above the BFE and FEMA's requirement of at or above the BFE. In addition, the City of Bismarck participates in NFIP's Community Rating System (CRS) Program and currently has a rating of 8.</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106. Consultations with THPO or Chairpersons of 18 tribes with interest in Burleigh County as per HUD's Tribal Directory Assessment Tool</p>

		(TDAT). No comments or objections were received. Crow Creek Sioux Tribe responded expressing that they had no cultural sites of any significance on the proposed site and had no objections with the project. Bismarck Historic Commission was also consulted on the proposed developed, they reached a determination of 'No Historic Properties Affected' North Dakota State Historical Preservation Office (SHPO) also reached a determination of 'No Historical Properties Affected'
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A Noise Assessment was conducted. The noise level was acceptable: 61.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. (Rail DNL 51 decibels, and E. Indiana Ave. traffic DNL 34 decibels). The project is located outside the designated 65decibel contour as outlined by the Bismarck Airport Masterplan's FAR part 150 Noise Compatibility Plan. Supporting documentation attached.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. There are no Sole Source Aquifers in North Dakota. Supporting documentation attached.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. National Wetlands Inventory Map attached.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. North Dakota has no designated wild and scenic rivers.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		

Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.
---	---	--

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	No impact anticipated. The proposed site is zoned (CG) which is defined as Heavy commercial and characterized as a multi-family residential property.	No mitigation plan required
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	Shallow water tables generally follow the general configuration of surface topography and usually are unconfined aquifers (ones which do not have a confining layer overlying them). Unconfined shallow aquifers are more frequently affected by surface spills and subsurface contaminant releases than confined and deeper unconfined aquifers (API Publication 1628). Several variables, including the volume of release, depth to water table, and adsorption capacities of soils and/or bedrock will determine whether releases reach the water table. With time, contaminants, which reach the water table, can migrate some distances on or in the water table. The direction of ground water flow (ground water gradient) thus is an important factor	The City of Bismarck has an Erosion and Sediment Control Plan which guides all construction projects.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		when assessing potential contaminant sources and/or incidents with respect to environmental impact to a particular property. The soil component in the proposed project site is HAVRELON, the soil texture is loam, classified under hydrologic group Class B - Moderately deep and moderately well drained soils with moderately course textures. The soil is well drained.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	No impact anticipated	
Energy Efficiency	2	No impact anticipated. The project will follow the current energy codes	no mitigation measure required.
SOCIOECONOMIC			
Employment and Income Patterns	2	No impact anticipated regarding employment and Income Patterns. The proposed project is located close to a mall and several businesses that could potentially employ the future tenants of the project.	No mitigation measures required
Demographic Character Changes / Displacement	2	Little to no impact is associated with the demographic character changes. Burleigh County Housing Authority(BCHA) has owned the site since 1970 and the buildings to be demolished were used as affordable housing units, the new buildings will also be used for the same purpose BCHA will relocate any tenants in their 3 buildings before demolition in accordance to the Uniform Relocation Act (URA)	No mitigation measures required. The City of Bismarck will make sure that URA measures are applied and followed.
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	South Central High School is less than 1 km away, Camp Hancock State Historical Site, Bismarck Art & Galleries, Capital gallery and the	No mitigation measures required.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		Dakota Zoo are all within a 5-15min walking distance	
Commercial Facilities (Access and Proximity)	2	The project site is close to Kirkwood Mall and a number of grocery stores - Dan's Supermarket is 0.4miles, 8 minute walking distance, 3 minutes by car and 7min using the local transit transit. It is also within walking distance to several restaurants, banks and churches.	No mitigation measures required.
Health Care / Social Services (Access and Capacity)	2	Sanford Downtown Walk-in Clinic 5 minutes and CHI St Alexius Health Bismarck Emergency 7 minutes driving distance. The HUB, which caters to people with substance addiction is 2 minutes walking distance, Burleigh County Social services is a 4 minute driving distance. The proposed project plans to have an area/space where organizations that offer supportive services can serve potential tenants	No mitigation measures required.
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	There are 5 general waste refuse dumpsters located throughout the proposed project site. These dumpsters are owned and maintained by the City of Bismarck.	No mitigation measures required
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	No impact anticipated because the project is an infill site - a developed part of the city which has water and sewer facilities already established.	No mitigation measures required.
Water Supply (Feasibility and Capacity)		No impact anticipated because the project is located an infill site - a developed part of the city which has water and sewer facilities already established.	No mitigation measure required
Public Safety - Police, Fire and Emergency Medical	2	Police and Fire Departments are close, 4 and 3 minutes respectively from the proposed project site. CHI St Alexius Health Bismarck Emergency is 7mins away	No mitigation measures required

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Parks, Open Space and Recreation (Access and Capacity)	2	Kiwanis Park, Sertoma Park, Bismarck Municipal Ballpark, Bismarck Parks and Recreation District are all within a 5-10 minute walk.	No mitigation measures required
Transportation and Accessibility (Access and Capacity)	2	Bis-Man Transit, which serves both Bismarck and Mandan serves the proposed project site.	No mitigation measures required
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	No unique natural features will be disturbed	No mitigation measures required
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	No anticipated disruption in vegetation and wildlife anticipated	No mitigation measures required.
Other Factors	2	No other factors identified	

Supporting documentation

[Dakota II Phase I Environmental.pdf](#)

Additional Studies Performed:

Field Inspection [Optional]: Date and completed by:

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

North Dakota Housing Finance Agency Beyond Shelter Burleigh County Housing Authority Badlands Environmental Consultants US Fish & Wildlife ND Department of Environmental Quality Federal Emergency Management Agency (FEMA) Environmental Protection Agency (EPA) Army Corps of Engineers US Water Resources State Historic Preservation Office ND Water Commission Conservation Division US Fish & Wildlife National Environmental Policy Act State Historic Preservation Offices (SHPO) Bismarck Historic Preservation Commission Bismarck Floodplain Administrator

List of Permits Obtained:

Demolition Permit Floodplain development Permit Community Acknowledgment for the project's proposed LOMR - F Construction Storm Water Permit Site Plan Review Building Permits

Public Outreach [24 CFR 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

The air, surface water and ecosystem will experience minimal to no impact. The project site has 3 buildings which serve as public housing/affordable housing units who will be relocated to other available units, no changes in community dynamics as a result of displacement or critical community members is anticipated. The new housing units will continue to serve as affordable housing units which

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

The new structures will be elevated on fill to a minimum of two feet above the BFE, an existing on-site storm water detention facility is being modified as part of site development, and the project will be designed to minimize impacts on the floodplain. The City of Bismarck participates in the National Flood Insurance Program (NFIP) and has a floodplain ordinance that requires the lowest habitable floor (including utilities and equipment) to be a minimum of two feet above the BFE

No Action Alternative [24 CFR 58.40(e)]

A 'no action' alternative would impact the availability of affordable housing in Bismarck. There is already a shortage of affordable units, Burleigh County Housing Authority serves the population of the City of Bismarck and Burleigh County by providing affordable housing opportunities. The Fair Market Rent, as published by the U.S. Department of Housing and Urban Development, for a two-bedroom apartment in North Dakota is \$841. To afford this level of rent and utilities without being cost burdened, a household must earn \$2,804 a month. It is estimated that the state has a shortage of 13,000 affordable rental units for extremely low-income households.

Summary of Findings and Conclusions:

No negative impacts anticipated. The proposed project will ease the shortage of affordable housing in Bismarck by adding more units in the market.

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
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A		
Floodplain Management	Letter of Map Revision Based on Fill (LOMR-F) will be requested from Federal Emergency Management Agency (FEMA). The proposed new buildings will be elevated so that the lowest habitable floor is 2 feet above the Base Flood Elevation (BFE) in accordance with the requirements of the City of Bismarck Floodplain Overlay District	N/A		
Conformance with Plans /	No mitigation plan required	N/A		

Compatible Land Use and Zoning / Scale and Urban Design				
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	The City of Bismarck has an Erosion and Sediment Control Plan which guides all construction projects.	N/A		
Energy Efficiency	no mitigation measure required.	N/A		
Employment and Income Patterns	No mitigation measures required	N/A		
Demographic Character Changes / Displacement	No mitigation measures required. The City of Bismarck will make sure that URA measures are applied and followed.	N/A		
Educational and Cultural Facilities (Access and Capacity)	No mitigation measures required.	N/A		
Commercial Facilities (Access and Proximity)	No mitigation measures required.	N/A		
Health Care / Social Services (Access and Capacity)	No mitigation measures required.	N/A		
Solid Waste Disposal and Recycling (Feasibility and Capacity)	No mitigation measures required	N/A		
Waste Water and Sanitary Sewers (Feasibility and Capacity)	No mitigation measures required.	N/A		

Water Supply (Feasibility and Capacity)	No mitigation measure required	N/A		
Public Safety - Police, Fire and Emergency Medical	No mitigation measures required	N/A		
Parks, Open Space and Recreation (Access and Capacity)	No mitigation measures required	N/A		
Transportation and Accessibility (Access and Capacity)	No mitigation measures required	N/A		
Unique Natural Features /Water Resources	No mitigation measures required	N/A		
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	No mitigation measures required.	N/A		
Climate Change	no mitigation measures required	N/A		
Environmental Justice EA Factor	No mitigation measure required	N/A		
Air Quality EA Factor	no mitigation measures required.	N/A		
Environmental Quality	Minimize the disturbance of any asbestos-containing material and prevent any asbestos fiber release episodes.	N/A	Notify the Division of Waste Management at ND Environmental Quality before any	

			demolition Removal of any friable asbestos- containing material must be accomplished in accordance with section 33.1-15-13-02 of the North Dakota air pollution control rules.	
--	--	--	--	--

Project Mitigation Plan

The above measures and conditions will be monitored by the City of Bismarck and the State of North Dakota appropriate agencies. Project is expected to begin Spring 2023

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 proposed project is 8,900 feet from the airport (see attached map).

Supporting documentation

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)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

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:

[BCHA 8-Step Process BCHA.pdf](#)
[FIRMETTE National Flood Hazard Layer.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

Yes

3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?

Yes, the community is participating in the National Flood Insurance Program.

Based on the response, the review is in compliance with this section. Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

Document and upload a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance below.

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

No. The community is not participating, or its participation has been suspended.

Screen Summary

Compliance Determination

The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements. Letter of Map Revision Based on Fill (LOMR-F) will be requested from Federal Emergency Management Agency (FEMA). The proposed new buildings will be elevated so that the lowest habitable floor is 2 feet above the Base Flood Elevation (BFE) in accordance with the requirements of the City of Bismarck Floodplain Overlay District. FEMA was notified September 19, 2022 by certified mail.

Supporting documentation

Are formal compliance steps or mitigation required?

✓ Yes

No

Air Quality

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

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

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

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

No, project's county or air quality management district is in attainment status for all criteria pollutants.

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

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. There are no nonattainment areas identified in North Dakota as per EPA's Greenbook (September 31 2022).

Supporting documentation

[Air Quality EPA Greenbook.xls](#)

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

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

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

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

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

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

- No

Explain:

No further action. Phase I ESA did not find any toxic, hazardous, or radioactive substances. The proposed site is not listed on the RCRA notifier /generator list or RCRIS-TSD. There were no RCRIS - TSD facilities listed within one mile of the site (see pg. 8 and 9 of the Phase I environmental) The proposed site is listed on the Asbestos database with two entries -(207, 211, & 215 West Bowen Avenue - Indicates asbestos wallboard, texture, floor tile. Mastic removal was completed in 2010 by an unidentified party.(see pg. 9)The subject Site is not listed as a SHWS and there are no SHWS facilities listed within one mile of the subject Site. There are no State SWF/LS listed landfills within one-half mile of the Site. The subject Site is not listed as a SWF/LS and there are no SWF/LS facilities listed within 1/2 mile of the subject Site.

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

Yes

Screen Summary

Compliance Determination

Supporting documentation

[Contamination and Toxic Substances.pdf](#)
[Dakota II Phase I Environmental\(1\).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

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

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

Screen Summary

Compliance Determination

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.

Supporting documentation

[IPaC Explore Location resources.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

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

Yes

Screen Summary

Compliance Determination

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. According to the City of Bismarck Fire Department, there are no above ground tanks within a mile of the projects identified. The closest above ground tanks (outside the 1-mile buffer) can be found at Modern Machine Works (welding machine shop), Prairie Farms Land o Lakes (cream, buttermilk and milk processing plant), CHI St. Alexius Medical Center (hospital, clinic) and Sanford Powerhouse (indoor batting and training center).

Supporting documentation

[Above Ground Tanks2.pdf](#)
[Above Ground Tanks.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 area of the Site is zoned (CG) which is defined as a commercial district and is characterized as a multi-family residential property. A review of historical aerial photographs indicated the Site as vacant undeveloped farmland in the 1938, 1957, 1959, & 1961 aerial photographs. The 1976 through the 2020 aerial photographs indicate the development of BCHA housing around the Site, but the Site has remained undeveloped. No other aerial photographs were available for the Site property.

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. Review of historical aerial photographs indicated the site as vacant undeveloped farmland in the 1938, 1957, 1959, & 1961 aerial photographs. The 1976 through the 2020 aerial photographs indicate the development of BCHA housing around the site with the construction of the current 3 buildings on the site in 1971. Overall, the site has remained undeveloped. No other aerial photographs were available for the site property. See attached periodic aerial pictures from 1957 through 2021.

Supporting documentation

[1957 Aerial Photo.pdf](#)
[Aerial Pictures \(2021\).jpg](#)
[Aerial Pictures \(2017\).jpg](#)
[Aerial Pictures \(2014\).jpg](#)
[Aerial Pictures \(2002\).jpg](#)
[Aerial Pictures \(1991\).jpg](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Floodplain Management

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

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

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

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

[BCHA 8-Step Process_BCHA.pdf](#)
[FIRMETTE National Flood Hazard Layer.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.

Does your project occur in a floodplain?

- No
- Yes

Select the applicable floodplain using the FEMA map or the best available

information:

Floodway

Coastal High Hazard Area (V Zone)

✓ 100-year floodplain (A Zone)

500-year floodplain (B Zone or shaded X Zone)

8-Step Process

Does the 8-Step Process apply? Select one of the following options:

✓ **8-Step Process applies**

Document and upload the completed 8-Step Process below. Be sure to include the early public notice and the final notice.

5-Step Process is applicable per 55.12(a)(1-4). Provide documentation of 5-Step Process.

8-Step Process is inapplicable per 55.12(b)(1-5).

Mitigation

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.

Letter of Map Revision Based on Fill (LOMR-F) will be requested from Federal Emergency Management Agency (FEMA). The proposed new buildings will be elevated so that the lowest habitable floor is 2 feet above the Base Flood Elevation (BFE) in accordance with the requirements of the City of Bismarck Floodplain Overlay District

Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

Permeable surfaces

Natural landscape enhancements that maintain or restore natural hydrology

Planting or restoring native plant species

Bioswales

Evapotranspiration

Stormwater capture and reuse

Green or vegetative roofs with drainage provisions

Natural Resources Conservation Service conservation easements or similar easements

Floodproofing of structures

Elevating structures including freeboarding above the required base flood elevations

Other

Screen Summary

Compliance Determination

This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988. An early public notification was published in the Bismarck Tribune, the local and regional paper, on August 2, 2022 for a 15 day comment period. No comments were received from the public. The City of Bismarck's Floodplain Administrator was contacted concerning mitigation requirements of the National Flood Insurance Program (NFIP) and the City's Floodplain Overlay District (the local ordinance that was implemented as part of the City's participation in the NFIP). It should also be noted that the City of Bismarck requires buildings to be constructed with the lowest habitable floor (including utilities and equipment) two feet above the base flood elevation (BFE), which is more restrictive than the State of North Dakota's requirement of one foot above the BFE and FEMA's requirement of at or above the BFE. In addition, the City of

Bismarck participates in NFIP's Community Rating System (CRS) Program and currently has a rating of 8.

Supporting documentation

[Proof of Publication Notary Public Final Notification.pdf](#)
[Proof of Publication Notary Public Early Notification.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)].

- ✓ 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

- ✓ Advisory Council on Historic Preservation Completed

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

- ✓ Apache Tribe of Oklahoma Completed

- ✓ Crow Creek Sioux Tribe Completed

- ✓ Lower Brule Sioux Tribe of Lower Brule Reservation Completed
- ✓ Oglala Sioux Tribe Completed

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

emails were sent out July 29, 2022 to either THPO or Chairpersons of 18 tribes with interest in Burleigh County as per HUD's Tribal Directory Assessment Tool (TDAT). No comments or objections were received after 30-days. Crow Creek Sioux Tribe responded expressing that they had no cultural sites of any significance on the proposed site and had no objections with the project. Bismarck Historic Commission was also consulted on the proposed developed, they reached a determination of 'No Historic Properties Affected' North Dakota State Historical Preservation Office (SHPO) also reached a determination of 'No Historical Properties Affected'.

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:**

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
-------------------------------	--------------------------	------------------	-----------------------

Additional Notes:

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

Yes

✓ 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 there are no historic properties present. The project is in compliance with Section 106. Consultations with THPO or Chairpersons of 18 tribes with interest in Burleigh County as per HUD's Tribal Directory Assessment Tool (TDAT). No comments or

objections were received. Crow Creek Sioux Tribe responded expressing that they had no cultural sites of any significance on the proposed site and had no objections with the project. Bismarck Historic Commission was also consulted on the proposed developed, they reached a determination of 'No Historic Properties Affected' North Dakota State Historical Preservation Office (SHPO) also reached a determination of 'No Historical Properties Affected'

Supporting documentation

[Tribal-Consultation-Letter-Template-Part-50-Projects-Attachment to all Tribes.pdf](#)
[Tribal Consultation _ Apache Tribe of Oklahoma2.pdf](#)
[Tribal Consultation _ Lower Brule Sioux Tribe of the Lower Brule Reservation South Dakota.pdf](#)
[Tribal Consultation- Cheyenne River Sioux Tribe of the Cheyenne River Reservation2.pdf](#)
[Tribal Consultation- Cheyenne River Sioux Tribe of the Cheyenne River Reservation.pdf](#)
[Tribal Consultation - Oglala Sioux Tribe2.pdf](#)
[Tribal Consultation- Oglala Sioux Tribe.pdf](#)
[Tribal Consultation-Fort Belknap Indian Community of the Fort Belknap Reservation of Montana2.pdf](#)
[Tribal Consultation-Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.pdf](#)
[Tribal Consultation-Rosebud Sioux Tribe of the Rosebud Indian Reservation.pdf](#)
[Tribal Consultation-Standing Rock Sioux Tribe of North and South Dakota.pdf](#)
[Three Affiliated Tribes of the Fort Berthold Reservation North Dakota2.pdf](#)
[Three Affiliated Tribes of the Fort Berthold Reservation North Dakota.pdf](#)
[Tribal Consultation-Santee Sioux Nation Nebraska2.pdf](#)
[Tribal Consultation-Santee Sioux Nation Nebraska.pdf](#)
[FW Tribal Consultation-Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.pdf](#)
[Tribal Consultation _ Apache Tribe of Oklahoma.pdf](#)
[Tribal-Consultation-Letter-Crow Creek-Marks.pdf](#)
[RE Tribal Consultation Crow Creek Sioux Trobe of the Crow Creek Reservation.pdf](#)
[Section 106 Declaration Bismarck Historical Commission.pdf](#)
[Historical Preservation Section 106 BCHA 22-5808.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: 61

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: 61

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: 61.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. (Rail DNL 51 decibels, and E. Indiana Ave. traffic DNL 34 decibels). The project is located outside the designated 65decibel contour as outlined by the Bismarck Airport Masterplan's FAR part 150 Noise Compatibility Plan. Supporting documentation attached.

Supporting documentation

[National Transportation Noise Map.pdf](#)

[Noise Analysis - Bismarck Airport.pdf](#)

[Noise Analysis - Rail and Traffic.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. There are no Sole Source Aquifers in North Dakota. Supporting documentation attached.

Supporting documentation

[SSA.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wetlands Protection

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

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

No

✓ Yes

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

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

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

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

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

Screen Summary

Compliance Determination

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. National Wetlands Inventory Map attached.

Supporting documentation

[National Wetlands Inventory Map.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. The project is in compliance with the Wild and Scenic Rivers Act. North Dakota has no designated wild and scenic rivers.

Supporting documentation

[Wild Scenic Rivers Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

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

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

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

Yes

No

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

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

[demographicenviroreport.pdf](#)
[enviroJustice.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No