

## STATUTORY WORKSHEET

Use this worksheet only as part of a Tiered Review

Compliance documentation must contain verifiable source documents and relevant base data.

<b>HUD Environmental Standards</b>	<b>Status A / B</b>	<p style="text-align: center;"><b>Determination and Compliance Documentation</b>                      HUD Guidance &amp; Checklists  <a href="https://www.hud.gov/states/shared/working/r10/environment#">https://www.hud.gov/states/shared/working/r10/environment#</a></p>
<b>Historic Preservation [36 CFR Part 800]</b>	<b>B</b>	<p><u>Oregon State Historic Preservation Office consultation (SHPO)</u>                      The City of Florence submitted a Request for Consultation Letter containing the project description and the Service Area Map along with SHPO Submittal Form on September 21, 2021. Copies of these documents and SHPO response per SHPO Correspondence are found in (Tab E)</p> <p>SHPO responded on October 10, 2021 agreeing as stipulated in 36 CFR 800 they will be a consulting party in the Section 106 Cultural Resource review process. Therefore, for all projects involving a dwelling structure 45 years of age or older, the Responsible Entity (RE) will submit for SHPO review and clearance.</p> <p><u>Tribal consultation (THPO)</u>                      A Tribal Directory for Lane County was downloaded from the following website <a href="https://egis.hud.gov/tadat/countyQuery.aspx?state=Oregon">https://egis.hud.gov/tadat/countyQuery.aspx?state=Oregon</a> and additional tribal contacts were identified through the Legislative Commission on Indian Services (LCIS) at this website <a href="https://www.oregonlegislature.gov/cis/Pages/contact.aspx">https://www.oregonlegislature.gov/cis/Pages/contact.aspx</a>                      The City of Florence submitted a Request for Consultation Letters containing the project description and the Service Area Map via email on or before September 23, 2021 and via certified mail on September 27, 2021. For the complete list of Tribes contacted see (Tribal Contacts) and a copy of email receipts/correspondence (Tribal Correspondence) as well as a Certification of delivery (THPO Delivery Certification) for letters sent by certified mail including tribes who also received email notification (Certified Mail &amp; Read Receipts) - See Tab E</p> <p>Two Tribes, the Coquille and Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians,</p>


		<p>commented and wish to be contacted in the event of a significant discovery during a project and have been added as contacts in the programs Inadvertent Discovery Plan (IDP) An IDP shall be implemented as needed (See Tab E) and rehabilitation contractors will be noticed regarding their responsibilities in the construction contract. A third Tribe responded, Klamath, simply asking that we defer to other tribes (more proximate to project service area).</p> <p>In summary, all individual projects will be identified and addressed in the Site Specific Review.</p> <p>All correspondence and comments received from SHPO and Tribes (THPO) are located in Tab E. See also Historic Preservation Check list. (Tab E)</p>
<b>Floodplain Management</b> <b>[24 CFR 55, Executive Order 11988]</b>	<b>A</b>	<p>The housing rehabilitation program does not provide substantial “major” rehabilitation when using new CDBG funding, only “minor” rehabilitation projects will be performed when using new CDBG funding as per approved housing rehabilitation program policies. Therefore the program is exempt from the floodplain requirements and is determined to be in compliance on an area wide basis. See Program Policy (Tab C) Sections 2.1.1 and 2.3.1, Program Description (Tab A) and Floodplain Management Worksheet (Tab F)</p>
<b>Wetland Protection</b>	<b>A</b>	<p>The project area includes all of Lane County, which contain numerous federally designated wetlands and can be viewed at this link: <a href="https://www.fws.gov/wetlands/data/Mapper.html">https://www.fws.gov/wetlands/data/Mapper.html</a> Maps are included in Tab F.</p> <p>The Rural Housing Rehab Program includes minor home repair to existing single family dwellings which generally does not involve new construction, including draining, dredging, channelizing, filling, diking, impounding, and related activities. The program does not allow for the expansion, addition or the finishing of unfinished spaces as per approved Program Policy 2.3.1 (See Program Policy Tab C)</p> <p>However, the program does allow for hazardous tree removal and septic system repairs, but as per the partial 8-step process, there are no practical alternatives to this activity and there will be minimal if any, adverse impacts if located within a wetland. (See Floodplain-Wetland 8 Step Process document Tab F) Therefore it has been determined the program activities will not adversely impact wetlands and compliance can be achieved on an area wide basis. See also Wetlands-Protection-Worksheet (Tab F)</p>
<b>Coastal Zone</b>	<b>A</b>	<p>Since the Rehab Program only performs minor home repairs not exceeding 50% of the structural value of</p>

<p><b>Management Act [Sections 307 (c), (d)]</b></p>		<p>the home, the program as a whole can be found to be in compliance with the Coastal Zone Management Act.</p> <p>Per Program Policies, the housing rehabilitation program only performs “minor” rehabilitation projects using new CDBG funds and is therefore compliant with this Act. See Program Description (Tab A), Program Policies (Tab C) Sections 2.1.1 and 2.3.1 and the Coastal Zone map showing the coastal zone relative to the program service area and Coastal Zona Management Checklist &amp; Certification (Tab G)</p>
<p><b>Sole Source Aquifers [40 CFR 149]</b></p>	<p><b>A</b></p>	<p>Staff consulted the EPA, Region 10 Sole Source Aquifer Map web site <a href="https://www.epa.gov/dwssa/map-sole-source-aquifer-locations">https://www.epa.gov/dwssa/map-sole-source-aquifer-locations</a> and verified that a sole source aquifer does exists within the program service area (Lane County) in Florence, OR. It is named “North Florence Dunal Aquifer Area SSA” See attached maps for Sole Source Aquifer (Tab H) found through this link. <a href="https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b">https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b</a></p> <p>Per Program Description (Tab A) and Program Policies (Tab C – Goal 1), repairs are only made to existing owner occupied homes. Repair work does not include new construction Program Policy 2.3.1 (Tab C) and therefore will not increase the size of existing structures, the project is not likely to adversely affect the aquifer.</p> <p>However while the program policies do not exclude repair work for septic systems or wells the RE has determined that there will be no adverse effect to the sole source aquifer if and when this type of project is located in proximity to the aquifer. (See Tab H – No affect Determination and Sole Source Aquifers Checklist) Therefore clearance of the standard can be achieved on an area wide basis.</p>

<p><b>Endangered Species Act (ESA) [50 CFR 402]</b></p>	<p><b>B</b></p>	<p>The following link was used <a href="http://ecos.fws.gov/ipac/">http://ecos.fws.gov/ipac/</a> for a list of species in the project area. The List - Endangered Species &amp; Critical Habitat (USFWS) for Lane County is attached. See (Tab I) Also as part of the consultation with the National Oceanic and Atmospheric Administration (NOAA) this link <a href="https://archive.fisheries.noaa.gov/wcr/maps_data/endangered_species_act_critical_habitat.html">https://archive.fisheries.noaa.gov/wcr/maps_data/endangered_species_act_critical_habitat.html</a> was used to find protected species and habitat and within the project area Chinook &amp; Coho Salmon and Steelhead are listed. See attached NOAA Maps for each specie (Tab I)</p> <p><u>U.S. Fish and Wildlife Services (USFWS) Consultation</u> As per email correspondence on October 21, 2021 (See Tab I “ESA Correspondence”) with Kristine A. Sclafani with USFWS it is provisionally agreed that the project will have no effect regarding endangered species within the City of Florence, however we shall follow the guidance and complete the Procedure for Section 7 Determination worksheet and if the specific project tasks are consistent with Table A, we may determine “no effect” and if the tasks are not consistent further consultation with USFWS will be sought. Note: It is likely upon review of the procedure under Part B, Step 2, Question 2, that a no effect determination can be made since all sites will have been previously developed – the program only engages in repairs to existing dwellings. (See Procedure for Section 7 Determination Worksheet Tab I)</p> <p><u>NOAA Fisheries Consultation</u> As per phone and later email follow up on October 25, 2021 (See Tab I “ESA Correspondence”) with Michelle McMullin while the agency does not want to interfere with human safety as may be the case in the event that hazardous tree removal be listed as a project task, their primary concern is when this activity is located in a riparian area. Tree removal is a task that is listed in Table A for the Procedure for Section 7 Determination and therefore each project will be evaluated on a site specific basis to determine the effect using the provided guidance.</p> <p>Therefore, based on the consultations with USFWS and NOAA, projects will be evaluated on a site specific basis in order to determine the effect in regards to compliance with the ESA.</p> <p>See Procedure for Section 7 Determination Worksheet (Tab I) See also program Policy 2.3.1 (Tab C) and ESA Correspondence (Tab I)</p>
<p><b>Wild and Scenic Rivers Act [Section 7(b), and (c)]</b></p>	<p><b>A</b></p>	<p>The <b><i>North Fork of the Middle Fork Willamette</i></b>, a section of the <b><i>McKenzie River</i></b> and a section of <b><i>Lobster Creek</i></b> are designated wild &amp; scenic rivers within the boundaries of the project area (Lane County) as found through the following link for maps <a href="https://www.rivers.gov/map.php">https://www.rivers.gov/map.php</a></p>

		<p>NRI data for the State of Oregon indicate two miles of <b>Bear Creek</b>, are within the project area as shown on this map: <a href="https://www.nps.gov/ncrc/programs/rtca/nri/states/or.html">https://www.nps.gov/ncrc/programs/rtca/nri/states/or.html</a></p> <p>See Tab J for Maps of Wild and Scenic River locations and NRI Bear Creek Data &amp; Map in the Service Area. All the above referenced streams flow and terminate on government owned land upstream from any potential residential structures the program might fund and therefore by this alone a No Effect determination can be made. (See also Tab J Wild and Scenic River Checklist)</p> <p>Furthermore, since the program provides “minor rehabilitation” (i.e. rehabilitation of single-family units not exceeding 50% of the market value of the structure before rehabilitation) the program as a whole can be found to be in compliance with the Wild and Scenic Rivers Act.</p> <p>(See Program Policies Section 2.1.1 Tab C see also Wild and Scenic Rivers Checklist Tab J)</p>
<p><b>Clean Air Act – [Sections 176(c), (d), and 40 CFR 6, 51, 93]</b></p>	<p><b>A</b></p>	<p>Lane County, the housing rehab project area, includes the City of Oakridge which is a DEQ listed non-attainment area. <a href="https://www.oregon.gov/deq/aq/Pages/Nonattainment-Areas.aspx">https://www.oregon.gov/deq/aq/Pages/Nonattainment-Areas.aspx</a> See also Tab K for the list.</p> <p>Oakridge, located within the service area for the program, is a non-attainment area however LRAPA and subsequently, the ER has determined there is no adverse effect related to owner-occupied housing rehabilitation activities. See Clean Air Act ER Determination along with Letter and Correspondence with Max Hueftle, Permit Section Manager, Lane Regional Air Protection Agency ( LRAPA) and Air Quality Worksheet (Tab K)</p>
<p><b>Farmland Protection Policy Act [7 CFR 658]</b></p>	<p><b>A</b></p>	<p>The project activities do not include new construction, acquisition of undeveloped land or change in use of land or property (conversion), therefore the program is in compliance with the Farmland Protection Policy Act. See “Program Description” and “Farm Land Protection Worksheet” (Tab L)</p>
<p><b>Environmental Justice [Executive Order 12898]</b></p>	<p><b>A</b></p>	<p>The program provides deferred-payment loans to low- and moderate-income homeowners (as defined in the HUD CDBG Program Guidelines) in the unincorporated areas of Lane County and the cities of Florence, Veneta, Cottage Grove, Creswell, Junction City, Lowell, Oakridge and Westfir, to repair their homes and eliminate safety and health hazards. See Project Area Map (Tab B)</p> <p>Since eligible recipients are low to moderate income persons, there will be no disproportionate impacts. The program does not allow acquisition of existing housing, acquisition of land for development and new construction. See Program Description with highlighted sections (Tab M) and Section 1.2 of Program</p>

		Policies (Tab C), HUD Environmental Checklist and Environmental Justice Certification by the RE. (Tab M)
<b>HUD ENVIRONMENTAL: STANDARDS Noise Abatement and Control [24 CFR 51B]</b>	<b>A</b>	Since the program performs only minor rehabilitation projects using new CDBG funds, Noise Abatement and Control is found to be of “No Effect” and therefore the program is in compliance under current HUD guidance. See Noise Abatement and Control Worksheet and Noise Correspondence Business Oregon (Tab N)
<b>Explosive and Flammable Operations [24 CFR 51C]</b>	<b>A</b>	Explosive and Flammable Operations does not apply since the project is rehabilitation of owner occupied single family residential units and is not considered an increase in residential density, does not convert a building for habitation or make a vacant building habitable. See Section 1.1 Housing Program Policies (Tab C) and See Explosive and Flammable Operations Worksheet (Tab O)
<b>Toxic Chemicals and Radioactive Materials [HUD Notice 79-33]</b>	<b>B</b>	Since the exact location of all dwellings are not yet identified, compliance with this requirement will be determined on a site specific (Tier 2) review, on a case by case basis. See (Tab P) for Site Contamination Single Family Worksheet
<b>Airport Clear Zones and Accident Potential Zones [24 CFR 51D]</b>	<b>A</b>	The housing rehabilitation program provides for repairs of existing homes only for “minor” rehabilitation projects” (i.e. rehabilitation of single-family units not exceeding 50% of the market value of the structure before rehabilitation) does not engage in substantial “major” rehabilitation using new CDBG funds and does not acquire land or property. Therefore, the program as a whole is found to be in compliance with the requirement. (See Program Policies Section 2.1.1 (Tab C) See also Airports Hazards Worksheet (Tab Q)
<b>Flood Disaster Protection Act</b>	<b>B</b>	Home repairs are not prohibited on dwellings within the 100-year floodplain. All projects will be documented with a FEMA map Panel number and date and RE will ensure homeowner has flood insurance, if required, before improvements are made. This determination will occur in a site specific (Tier 2) review, on a case by case basis.
<b>Coastal Barrier Resource Act</b>	<b>A</b>	There are no coastal barriers Resource Areas in Oregon, therefore the Act does not apply and compliance is achieved on an area wide basis.

Responsible Entity (RE) Officer Signature:  \_\_\_\_\_

Certifying Officer Name and Title: Joe Henry, Mayor

Date: January 10, 2022